



NIAGARA REGIONAL POLICE SERVICE

Police Services Board Report

CONFIDENTIAL AGENDA

Subject: Special Investigations Unit – Case Number 21-OCD-193 – Incident of June 24, 2021

Report To: Chair and Members, Niagara Police Services Board

Report Date: 2021-12-14

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 267/10, Section 11 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.
- On October 21, 2021, 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 11 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 June 24, 2021, at approximately 4:05 pm, Niagara Regional Police received information that a male was currently in a state of psychosis and refusing to attend the hospital.

Uniform personnel attended a St. Catharines residence and located the male, identified as AB, on the upper floor, sitting on a bed, while holding a pocket-knife.

Uniform personnel spoke with AB for several minutes prior to the arrival of a Mobile Crisis Rapid Response Team (MCRRT).

Based on information received from AB's family, and determinations made by attending police officers including AB's presentation, apparent state of mind, lack of insight into mental health symptoms, decision making, and the potential for AB to act on his thoughts of harming his brother with the pocket-knife; grounds were formed under the Mental Health Act to apprehend AB.

Following additional discussion with family members, AB's demeanor escalated. AB was trembling, as well as shouting toward police officers. AB then disengaged from communicating with officers and stood up from the bed in a threatening manner.

AB then started shouting more aggressively while walking away from the doorway into the kitchen of the residence. AB continued to shout toward police, moving into the front bedroom now in possession of a knife and baseball bat. At this point, AB continued to shout towards police, demanding that police depart from the residence, allowing him to be alone.

Police remained at the residence with AB, allowing him to vent his frustrations while holding a knife in his hand. AB stated to officers to kill him, that he wanted to die, and to go ahead and shoot him, while continuing to hold the knife. This conversation continued for several minutes until the scene was taken over by members of the Emergency Task Unit and Crisis Negotiators.

Attempts to negotiate with AB ultimately deteriorated and he cut his own neck with a knife he had in his possession, which ultimately caused his death.

On June 24, 2021, at 6:17 pm, the Niagara Regional Police Service notified the SIU of AB's self-inflicted injury. The SIU subsequently invoked their mandate.

In the days and weeks to follow, the SIU designated 19 members of the Service as Witness Officials.

The SIU also designated officers CD, EF, and GH as Subject Officials. Respectively, officer CD was the Incident Commander, officer EF was a negotiator, and officer GH utilized a Conducted Energy Weapon (CEW) in an attempt to control AB.

On October 21, 2021, the SIU closed its investigation into this matter. In his decision letter SIU Director Mr. Joseph Martino wrote "*In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the three officials*".

In the concluding SIU's Directors report, the following is stated: *"At the outset, it should be noted that the officers were at all times lawfully placed. They had been called to the scene after receiving word that the Complainant (AB) was in mental distress and in possession of a pocketknife that he had brandished in his brother's direction. An officer's foremost duty is the preservation of life. They were, in the circumstances, duty bound to attend the Complainant's (AB) apartment to do what was reasonably in their power to prevent harm coming to the Complainant (AB) or others."*

A copy of the SIU report was publicly posted on the SIU's website at the following links:
https://www.siu.on.ca/en/directors_reports.php
https://www.siu.on.ca/fr/directors_reports.php.

In accordance with Ontario Regulation 267/10, Section 11, 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 11 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. 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 168.06 – Officer Note Taking
3. General Order 089.07 – Emergency Task Unit
4. General Order 053.22 – Use of Force
5. General Order 167.07 – Mentally Ill Persons

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.

The Professional Standards Unit investigation and review of this incident was undertaken in compliance with Section 11 of Ontario Regulation 267/10 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 regarding compliance with governing General Orders, the services provided or the conduct of the involved Police Service members that required corrective action, and no changes are required to existing General Orders governing these situations.

Alternatives Reviewed

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

Subsection 11(4) of Ontario Regulation 267/10 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

C.8.3.2021.12.16 – Request for Legal Indemnification – SIU Case Number 21-OCD-193
– Incident of June 24, 2021

This report was prepared by Inspector Dave Masotti, Professional Standards Unit, reviewed by Superintendent David Meade, Executive Services and recommended by Bill Fordy, Deputy Chief of Police, Support Services.



Submitted by:
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Chief of Police

Appendices

Not applicable.