



# NIAGARA REGIONAL POLICE SERVICE

## Police Services Board Report

**CONFIDENTIAL AGENDA**

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**Subject:** Special Investigations Unit – Case Number 23-OCI-103 – Incident of April 9, 2023

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

**Report Date:** 2023-11-24

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### **Recommendation(s)**

- 1. That the Niagara Police Services Board (Board) receive this report for information, and**
- 2. That the Niagara Police Services Board (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.
- On August 3, 2023, 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 (PSU) 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 Sunday April 9th, 2023, at 15:33 the NRPS and Niagara Emergency Medical Services (NEMS) received a phone call from a female who stated to the dispatcher that

she had intentions to jump off the bridge located on top of the QEW on Niagara Street in the City of St. Catharines.

Police, Fire and Ambulance personnel were dispatched to the area and uniform NRPS members located the female standing on the Niagara Street overpass speaking on the telephone.

After concluding her phone call, the female swung her legs over the railing and immediately jumped from the bridge and landed on a grassy area approximately 25-30 feet below. Responding officers rendered immediate first aid to the female who was conscious and breathing but in obvious discomfort.

NEMS responded and attended to the female's injuries, and she was eventually transported to the Hamilton General Hospital for serious injuries.

The SIU was notified of the incident and invoked their mandate accordingly.

The SIU designated Constable AB, Constable CD, Constable EF, and Constable GH, as Witness Officials.

Sergeant IJ was designated as the Subject Official.

On August 3, 2023, the SIU closed its investigation into this matter. In his decision letter SIU Director Mr. Joseph Martino wrote, "there are no reasonable grounds to conclude that the SO comported herself other than lawfully throughout her brief engagement with the Complainant, there is no basis for proceeding with criminal charges in this case. The file is closed".

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 PSU 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 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 NRPS

PSU 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 117.07 – Mentally Ill Persons
4. General Order 121.12 – Forensic Services Unit

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 NRPS

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

### 3. 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 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 PSU 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 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.

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 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 “*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 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.8.7.2023.11.23 – Request for Legal Indemnification – SIU Case Number 23-OCI-103 – November 23, 2023.

*This report was prepared by Lynda Hughes, Inspector, Professional Standards Unit and reviewed by Luigi Greco, Superintendent, Executive Services. Recommended by Bill Fordy, Deputy Chief, Support Services.*



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**Submitted by:**

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Chief of Police

### **Appendices**

Not applicable.