



NIAGARA REGIONAL POLICE SERVICE

Police Service Board Report

CONFIDENTIAL AGENDA

Subject: Special Investigations Unit – Case Number 24-OCI-229 – Incident of May 31, 2024

Report To: Chair and Members, Niagara Police Service Board

Report Date: 2024-11-20

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)

That the Niagara Police Service Board (Board) receives this report for information 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.
- On May 31, 2024, a notification was made to the SIU regarding a male who suffered a broken pinky finger after an interaction with officers, resulting in the incident meeting the investigative mandate of the SIU.
- On September 23, 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 (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 Thursday May 30, 2024, a male attended the front lobby of 1 District in the City of St. Catharines. Other members of the public were present at the same time. The male suddenly grabbed a satchel that a 79-year-old female had been holding and attempted to run from the lobby. The female held on to the satchel and was dragged through the lobby by the male. Officers within 1 District observed the encounter and ran to the lobby to assist the female. The male was tackled and arrested by an officer on the front steps. He was transported to Central Holding and charged with robbery. He was later taken to the hospital after complaining his hand was injured. It was determined he had suffered a fracture to his pinky finger.

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 September 23, 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 PSU 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 PSU 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

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 053.25 – Use of Force
- 3) General Order 100.10 – Powers of Arrest
- 4) General Order 168.06 – Officer Note Taking
- 5) General Order 034.11 – Report Submissions

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 PSU 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 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

C8.8 - 2024.11.28 – Request for Legal Indemnification – SIU Case 24-OCI-229 Incident of May 30, 2024.

This report was prepared by Lynda Hughes, Inspector, Professional Standards Unit and reviewed by Sandy Staniforth, Superintendent, Executive Services. Recommended by Darrin Forbes, Acting Deputy Chief, Support Services.



Submitted by:
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Acting Chief of Police

Appendices

Not applicable.