



REPORT TO THE POLICE SERVICE BOARD

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Date of Report: 12/17/2024

Type of Report: Public

Title: Report on SIU Case 24-OCI-324

Recommendation

That the Board receives this report as it relates to SIU Case 24-OCI-324.

Background

On July 27th, 2024, at approximately 4:34 p.m., DRPS received a telephone call reporting the Complainant was on his way to a DRPS police station with an airsoft gun and the intention to attempt a 'suicide by police officer'. At 4:37 p.m., the Complainant entered the outer lobby area and discharged an airsoft gun, striking an officer in the leg. One officer attempted an unsuccessful conducted energy weapon (CEW) deployment, and the Complainant entered a public washroom located off the lobby. The Complainant was not able to lock the door and remained in the washroom for some time while negotiations took place. Eventually, five officers entered the washroom to arrest the Complaint, and a struggle ensued. During the struggle, one officer delivered three palm strikes to the Complainant's face. The man's nose began to bleed, and he was handcuffed. Emergency medical services (EMS) attended and transported the Complainant to Ajax-Pickering Hospital where he was detained. The incident was captured on multiple officers' body-worn cameras (BWCs) and the station's video system.

It was determined at the hospital the Complainant had a broken nose.

On July 27th, 2024, at 10:36 p.m., the Durham Regional Police Service (DRPS) contacted the SIU.

Investigation

SIU Director Martino's decision, dated November 22nd, 2024, summarized the investigation and result below, Director Martino reported the following:

"In the afternoon of July 27, 2024, the Complainant walked into the lobby of DRPS 19 Division in possession of an airsoft gun. He was of unsound mind at the time and had resolved to commit suicide by forcing what he hoped would be a lethal confrontation with police officers.

WO #3 was the lone police officer in the lobby. He was behind the front desk with a civilian staff retreating from the area at the sight of the weapon in the Complainant's hands. The officer ordered the Complainant to the ground. The Complainant refused and, instead, fired two shots. One of the pellets struck WO #3 in the left thigh. The officer fired his CEW at the Complainant but the probes did not meet their mark.

Drawn to the commotion, other officers at the station made their way to the lobby as the Complainant entered the women’s bathroom. The officers realized the weapon was an airsoft gun and that the Complainant was suicidal. They called-out to the Complainant to have himself peacefully surrender. From a partially open door, the Complainant refused. He continued to fire his airsoft gun into the lobby.

WO #5 developed a plan to storm the bathroom to take the Complainant into custody. Led by WO #2, a team of four officers (including the SO) would approach the bathroom door in a stack at an angle at which, it was hoped, would prevent them being detected by the Complainant. As the team neared the door, the Complainant noticed their approach and fired his weapon in the direction of WO #2. The officer pushed the door inwards, momentarily trapping the Complainant between the wall and door, as the other team members entered the bathroom. There followed a struggle during which the SO discharged his CEW at the Complainant and struck him several times in the face before he was grounded and arrested.

Following his arrest, the Complainant was taken to hospital and diagnosed with a broken nose.”

Professional Standards Unit – Section 81 Investigation

The Professional Standards Unit conducted an investigation pursuant to Section 81(1) of the Community Safety and Policing Act (CSPA). The investigation reviewed the following applicable DRPS Directives and Policies;

Authority	Number or Section	Description	Compliance		Requires Amendment	
			Yes	No	Yes	No
Directive	AO-09-010	DRPS Code of Professional Conduct	X			X
Directive	AO-05-001	Special Investigations Unit	X			X
Directive	LE-12-001	Arrest and Warrant Applied For	X			X
Directive	LE-02-019	Body-Worn Camera	X			X

The results of the Professional Standards Unit investigation are as follows:

Conduct: No conduct issues were identified.

Policies: All policies were adhered to.

Service: No service issues were identified.

Conclusion

SIU Director Martino has concluded, *“With respect to the force used to take the Complainant into custody, principally, a CEW discharge and several hand strikes to the face by the SO, the evidence falls short of any reasonable suggestion it was excessive. While it seems that the officers suspected the weapon in the Complainant’s possession was an airsoft gun, they had good reason to believe that they were nevertheless at risk of serious injury because of its use. They could also not be sure that the Complainant was not armed with other weapons, or that there was not a third-party in the bathroom who might be placed in peril at the hands of the Complainant. In the circumstances, the decision to storm the bathroom with decisive force made sense. It would prevent the situation from escalating into a standoff, with or without the presence of another person in the bathroom, and mitigate the risk of the Complainant using the airsoft gun or some other weapon in his possession. On this record, the use of the CEW and the punches to the Complainant’s face were commensurate with the exigencies of the moment, namely, the need to immediately incapacitate the Complainant and take him into custody.*

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed.”

No further action is required.

Report Approval Details

Document Title:	Report on SIU Investigation File 24-OCI-324.docx
Attachments:	
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This report and all of its attachments were approved and signed as outlined below:

Chris Kirkpatrick



Peter MOREIRA