



## REPORT TO THE POLICE SERVICE BOARD

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Date of Report: 3/17/2025

Type of Report: Public

Title: Report on SIU Case 24-OCI-445

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### **Recommendation**

That the Board receives this report as it relates to SIU Case 24-OCI-445.

### **Background**

On October 19, 2024, at 11:19 p.m., the Durham Regional Police Service (DRPS) contacted the SIU with the following information.

On October 19, 2024, at 6:30 p.m., two motorcycles collided with the back of a stopped vehicle at the intersection of Rossland Road West and Ravenscroft Road. The collision was witnessed by an off-duty Toronto Police Service (TPS) officer, who tried to prevent one man [the Affected Person] from fleeing on foot while the other motorcyclist drove away. DRPS had their helicopter unit deployed and the canine unit was called to the scene. The helicopter and police dog were able to track and locate the Affected Person.

The Affected Person was bitten by the police dog as he was arrested. No serious injuries were readily identified after the arrest, and the collision scene was processed and photographed by the DRPS. The Affected Person was later diagnosed with a fractured ankle while in hospital. .

### **Investigation**

SIU Director Martino's report, dated February 12<sup>th</sup>, 2025, summarized the investigation and result:

*"The evidence collected by the SIU, including interviews with police and non-police witnesses, and video footage that captured the incident in part, gives rise to the following scenario.*

*In the evening of October 19, 2024, the Complainant was operating a motorcycle westbound on Rossland Road West when he entered the Ravenscroft Road intersection on a red light and crashed his vehicle. An off-duty TPS officer in the area witnessed the collision and approached the scene to render assistance. The Complainant was helped to the northeast corner of the intersection and seated as WO #1 called the DRPS to report the incident. Shortly, the Complainant got up and began to walk away.*

*WO #1 advised the DRPS that the Complainant was walking away and, together with the driver of the vehicle struck by the motorcycle (CW #2), followed him as he made his way through a*

*housing complex north and west of the collision site. The officer told the Complainant that he was under arrest and then intervened to stop him physically when it appeared that the Complainant was about to enter another vehicle. The two wrestled with each other for a period before the Complainant was able to free himself and run into a wooded area nearby. WO #1 updated the DRPS.*

*DRPS officers arriving on scene set up a perimeter around the wooded area and deployed a helicopter and a canine unit. The dog handler – WO #4 – entered the forested area with his dog – the PSD. With the guidance from the helicopter overhead, which had detected the Complainant’s heat signature, the officer came across the Complainant. The Complainant ran down an embankment and into a creek. WO #4 released the PSD. The dog engaged the Complainant in the water and bit into his right arm. WO #4 joined the pair in the creek and escorted them out of the water. WO #3 handcuffed the Complainant without further incident. At hospital after his arrest, the Complainant was diagnosed with a fractured ankle.”*

### **Professional Standards Unit – Section 81 Investigation**

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

Authority	Number or Section	Description	Compliance		Requires Amendment	
			Yes	No	Yes	No
Directive	LE-09-001	Motor Vehicle Collision Investigations Crime	X			X
Directive	AO-05-001	Special Investigations Unit	X			X
Directive	LE-05-002	Police Use of Force	X			X
Directive	LE-02-019	Body-Worn Camera	X			X
Directive	ER-09-001	Canine [K-9] Unit	X			X

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

Conduct: No conduct issues were identified.

Policies: No policy issues were identified.

### **Conclusion**

SIU Director Martino has concluded,

*“On October 19, 2024, the DRPS notified the SIU that a male they had arrested earlier that day – the Complainant – had been diagnosed with a serious injury. The SIU initiated an investigation, which is now concluded. On my assessment of the evidence, there are no*

*reasonable grounds to believe that any police officer 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. When the Complainant fled the scene of the collision, he rendered himself subject to arrest under section 320.16 of the Criminal Code.*

*WO #1 used no more force that was reasonably necessary when he attempted to arrest the Complainant. He had advised the Complainant that he was an officer and that he (the Complainant) was under arrest, but it was clear the Complainant was not going to submit peacefully. In the circumstances, I am unable to reasonably conclude that WO #1 resorted to unnecessary force when he forcefully took the Complainant to the ground. He had reason to believe that the Complainant would struggle against the arrest, an effort that would be made more difficult on the ground. In fact, the Complainant did resist and was ultimately able to free himself from the officer and resume his flight.*

*I am also satisfied that WO #4 comported himself within the limits of the criminal law when he deployed his dog. The Complainant was evading apprehension by hiding in a forested area on uneven terrain. There was also reason to expect the Complainant would continue to physically resist arrest. On this record, it made sense to attempt to immobilize the Complainant from a distance with the use of the dog. And that is, essentially, what occurred. The cause of the Complainant's injury remains uncertain, although it appears likely he fractured his ankle in the motorcycle collision. Be that as it may, there is no reason to believe the injury is attributable to any unlawful conduct on the part of the police.*

*As such, there is no basis for proceeding with criminal charges in this case. The file is closed."*

## Report Approval Details

Document Title:	Report on SIU Investigation File 224-OCI-445.docx
Attachments:	- DR-24-445-Durham-CI.pdf
Final Approval Date:	Mar 10, 2025

This report and all of its attachments were approved and signed as outlined below:

Chris Kirkpatrick

A handwritten signature in black ink, appearing to read "Peter Moreira", with a stylized flourish at the end.

Peter MOREIRA