



Halton Regional Police Service Public Agenda Recommendation Report

To: Chair and Police Board Members

From: Chief Stephen J. Tanner

Subject: Chief's Administrative Investigation into SIU Matter
#24-OCI-403 / HRPS # 2024-269420

Report #: P25-03-R-12

Date: March 27, 2025

RECOMMENDATION:

"That the Halton Police Board receives this report for information and that, within 30 days of receipt, the Halton Police Board shall publish this report on the internet."

A handwritten signature in black ink, appearing to be "J. Tanner", is written over a light blue rectangular background.

Stephen J. Tanner
Chief of Police

Investigator:
Inspector Crystal Dodds #5182
Professional Standards Bureau

INTRODUCTION AND BACKGROUND:

Ontario Regulation 90/24 to the *Community Safety and Policing Act, 2019* directs that a Chief of Police shall promptly cause an investigation to be conducted into any incident involving a police officer that becomes subject of an investigation by the SIU director. The purpose of the Chief of Police's investigation is to review the member's conduct in relation to the incident, the policing provided by the member in relation to the incident and the procedures established and report the findings to the Board.

CSPA – Part VI Police Officers and Other Policing Personnel:

SIU investigation of member of police service Section 81(1) CSPA If the SIU Director causes an incident to be investigated under section 15 of the *Special Investigations Unit Act, 2019* involving a member of a police service, other than a deputy chief of police, the chief of police of the police service shall investigate,

- (a) the member's conduct in relation to the incident;
- (b) the policing provided by the member in relation to the incident; and
- (c) the procedures established by the chief of police as they related to the incident. 2019, c. 1, Schedule 1, s. 81 (1).

Excerpts from O/Reg 90/24 Section 8:

- (1) an investigation under Section 81 of the Act shall be reported on in accordance with this section.
- (2) A chief of police who is required to report on an investigation under subsection 81 (1) shall give the report to the police service board or, in the case of the Commissioner, to the Minister.
- (3) The report shall be given within the following time:
 - 1. If an investigation under section 15 of the *Special Investigations Unit Act, 2019* does not result in charges being laid against a member of the police service in respect of the incident, the report shall be given,
 - i) within 90 days after the SIU Director publishes a report in respect of the incident under subsection 34 (1) of that Act or decides under subsection 34 (6) of that Act to not publish the report, or

ii) if it is not possible to give the report within the time specified by subparagraph i, as soon as possible after that time.

(5) No later than 30 days after receiving the report, the police service board or Minister, as the case may be, shall publish the report on the Internet.

(8) A report prepared for the purposes of section 81 of the Act shall not include the following

1. The name of, or any information identifying, a subject official, witness official, civilian witness or affected person, as those terms are defined in the *Special Investigations Unit Act, 2019*, in the incident.

This report is provided to the Board in accordance with Board Policy A-07 -*Special Investigation Unit (SIU) Incident Follow-on Investigations*.

INCIDENT TRIGGERING NOTIFICATION OF SPECIAL INVESTIGATIONS UNIT:

On September 20, 2024, on duty, pay duty and auxiliary officers of the HRPS were working at the annual Acton Fall Fair taking place in Prospect Park located at 30 Park Avenue, Acton. The events in question took place on the asphalt parking lot of the fairgrounds.

Shortly before 11:16 PM, the Subject Officer (SO) and other HRPS officers, were working a paid-duty assignment at the Acton Fall Fair when they were alerted to an altercation involving two men in the parking lot. An intoxicated Complainant had, without provocation, damaged a vehicle, and assaulted the owner who was trying to leave the parking lot. Together with Witness Officer #1 (WO #1), the SO moved to separate the men, focusing his attention on the Complainant. In so doing, the SO was either pushed or punched by the Complainant in the upper body. The SO reacted by punching the Complainant in the face. The Complainant fell, struck his head and lost consciousness. Medical aid was rendered immediately and the Complainant subsequently transported to the Georgetown District Memorial Hospital and diagnosed with a brain bleed.

Due to the nature of the injury, the Complainant was transferred to Mississauga Hospital and admitted. Medical staff advised the injuries suffered by the Complainant were considered serious, which triggered the notification to the Professional Standards Bureau who in turn, notified the Special Investigations Unit (SIU).

Special Investigations Unit Act:

The Special Investigations Unit Act provides the SIU with the authority to investigate incidents of serious injury of a person. A person sustains a “serious injury” for purposes of the SIU’s jurisdiction if they: sustain an injury as a result of which they are admitted to hospital; *suffer a fracture to the skull, or to a limb, rib or vertebra*; suffer burns to a significant proportion of their body; lose any portion of their body; or, as a result of an injury, experience a loss of vision or hearing. In addition, a “serious injury” means any other injury sustained by a person that is likely to interfere with the person’s health or comfort and is not transient or trifling in nature.

15 (1) The SIU Director may cause an investigation to be conducted into any incident in which any of the following occurs, if the incident may have resulted from criminal conduct by an official:

- 1. The death of a person.*
- 2. The serious injury of a person.*
- 3. The discharge of a firearm at a person.*
- 4. The sexual assault of a person, as reported by the person*

SPECIAL INVESTIGATIONS UNIT FINDINGS:

The SIU Director made his findings public on January 17th, 2025. He reported, in part, as follows:

Note: For the purposes of the Board report, the involved person/suspect/accused is referred to as the “Complainant”, the Witness Officer(s) are referred to as “WO”, and the Subject Officer(s) as “SO”.

The Complainant was seriously injured in an altercation with a HRPS officer on September 20, 2024. The SIU was notified of the incident and initiated an investigation naming the SO the subject official. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that the SO committed a criminal offence in connection with the Complainant’s injury.

Section 34 of the Criminal Code provides that conduct that would otherwise constitute an offence is legally justified if it was intended to deter a reasonably apprehended assault, actual or threatened, and was itself reasonable. The reasonableness of the conduct is to be assessed in light of all the relevant circumstances,

including with respect to such considerations as the nature of the force or threat; the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force; whether any party to the incident used or threatened to use a weapon; and, the nature and proportionality of the person's response to the use or threat of force.

The SO was engaged in the performance of his lawful duties preserving the peace and ensuring public safety at the time of the events in question. Aware of a physical altercation between the Complainant and CW #2, the officer was within his rights in intervening to prevent a continuation of the hostilities.

I am further satisfied that the SO acted within the confines of the protection prescribed by section 34 when he struck the Complainant. He had just been assaulted by the Complainant and was entitled to take action to defend himself from a further attack by way of like force. While it is regrettable that the Complainant fell, struck his head and suffered serious injuries as a result of the officer's punch, I am unable to reasonably conclude on this record that the SO comported himself other than in a fashion commensurate with the exigencies of the moment.

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

The Director's report is a public document and available online:

[Special Investigations Unit – Director's Report Details, Case Number: 24-OCI-403](#)

COMMUNITY SAFETY AND POLICING ACT, 2019 INVESTIGATIVE FINDINGS:

The Section 81 / O.Reg. 90/24 investigation was conducted by Inspector Crystal Dodds of the HRPS Professional Standards Bureau.

The SIU designated one (1) Halton Regional Police Officer as a Subject Official, three (3) Halton Regional Police Officers as Witness Officials and five (5) Civilian Witnesses.

Policy Review

As per Ontario Regulation 90/24, the Professional Standards Bureau reviewed the relevant Service Policy Directives and found them to be current, relevant, and in compliance with provincial regulations and adequacy standards.

- **CPO-001** Use of Force
- **CPO-004** Arrest and Release of Persons
- **PFS-003** Special Investigations Unit

CPO-001 mirrors the requirements of Ontario Regulation 926 (Equipment and Use of Force) and is current and compliant.

Based on the demonstrated actively resistant and assaultive behaviour by the Complainant, the use of force was reasonable in order that the Subject Officer protect himself and effect a lawful arrest as per HRPS policy and provincial guidelines. **As explained in the SIU Director's report, the SO officer involved was justified in their use of force.**

CPO-004 -This policy is current and compliant with legislation.

To ensure lawful authority to detain and search a person in custody, a police officer must, when arresting that person: Identify themselves as a police officer, take physical control of that person and inform them that they are under arrest. The evidence supports the officer was in full uniform clearly identifiable as a police officer and that the male party was actively resisting arrest and assaulted the officer. **The force used was reasonable and justified, and in the circumstances, was not excessive or unnecessary.**

PFS-003 -This policy is current and compliant with legislation.

This policy addresses the requirements of the Special Investigations Unit Act and the Service's response to a SIU investigation. Most importantly, it requires the on-scene supervisor of an incident where the SIU mandate may be invoked to protect and secure the scene, preserve evidence from loss/contamination, segregate the involved officers and notify the duty officer and SIU liaison. Proper and timely notifications were made to the Service's SIU liaison and to the SIU. **All necessary evidence was secured, and the scene was contained as required.**

Conduct Review

On September 20th, 2024, Halton Regional Police Officers responded to a report of an assault. While attempting to effect a lawful arrest, the Complainant actively resisted and assaulted the Subject Officer. The Subject Officer administered one strike to the male's face. Medical aid was immediately rendered. The conduct of the Subject Officer was appropriate, justified and in accordance with policies and legislation.

COMMENTS OR RECCOMENDATIONS

All involved members were provided with support from the Organizational Wellness Unit.
No further action to be taken on this matter.

[Pursuant to O.Reg 90/24, Section 8 \(5\), the Board shall publish this report on the internet within 30 days of its receipt.](#)