**HAMILTON POLICE SERVICE**

**CONFIDENTIAL   
INFORMATION REPORT**

|  |  |
| --- | --- |
| **TO:** | Chair and Members  Hamilton Police Services Board |
| **BOARD MEETING DATE:** | September 26, 2024 |
| **SUBJECT:** | Special Investigation Unit’s Probe into the Injury of A.H.  SIU File 24-OCI-169 |
| **REPORT NUMBER:** | 24-078 |
| **SUBMITTED BY:**  **SIGNATURE:** | Frank Bergen, Chief of Police |

**EXECUTIVE SUMMARY**

On April 15, 2024, A.H. (the Complainant) contacted the Hamilton Police Service (HPS) to report that he had been injured by HPS officers on March 26, 2024. On March 26, 2024, A.H. was taken to Juravinski Hospital (JH) by Civilian Witness #1 (CW) and formed under the Mental Health Act (MHA), after making threats of suicide and homicide. A.H. became upset by the news of his apprehension and left the hospital only to return at a later time. A.H. waited with hospital security staff who had contacted the HPS. HPS Officer #1 was assigned to the Mobile Crisis Rapid Response Team (MCRRT) and responded with a civilian crisis worker CW #2, to the JH. Officer #1 transported A.H. to St. Joseph’s Hospital (SJH), where A.H. was medicated. A.H. has no memory of what happened after the medication was administered. CW #1 told A.H. that she was outside of the treatment room where he waited with police. CW #1 heard a thud come from inside of the treatment room. Nurses ran to the treatment room stating that they were going to get sued. Nurses entered the treatment room and A.H. was not conscious.

On April 6, 2024, A.H. was diagnosed with an acute, non-displaced fracture of the distal tip of the ulnar styloid process of his right wrist.

**INFORMATION**

Background

Provincial legislation requires that the Chief or designate shall cause an investigation to be conducted forthwith into any incident with respect to which the Special Investigations Unit (SIU) has been notified. The purpose of the investigation is to review the policies of, or services provided by the Police Service and the conduct of the police officers involved *(section 11(2) Regulation 267/10).* The Chief is mandated to report his findings and any action taken, or recommended to be taken, to the Board within 30 days after the SIU Director advises the Chief of Police that the results of the SIU investigation have been reported to the Attorney General. The Board may make the Chief’s report available to the public *(section 11(4) Regulation 267/10).*

On March 26, 2024, A.H. checked himself into JH. A physician completed a Form 1 under the MHA to authorize A.H.’s involuntary admission to hospital for psychiatric examination. It was determined that the psychiatric examination would take place at SJH. HPS officers were dispatched to provide A.H. transportation to SJH.

HPS MCRTT Officer #1 and CW #2 (crisis worker) responded to the JH transport A.H and they were later met by Witness Officer (WO). A.H. was taken into custody by the officers and was placed in Officer #1’s cruiser and A.H. was transported to SJH.

At SJH the officers and CW #2 waited with A.H. throughout the triage and admission process. A.H. was eventually taken into care by staff at the hospital and the officers and CW #2 left the hospital. No use of force was necessary or utilized by HPS officers.

On April 15, 2024, A.H. contacted the HPS and advised police that on April 2, 2024, he was diagnosed with an acute, non-displaced fracture of the distal tip of the ulnar styloid process of the right wrist. A.H. was told by C.W. #1 that she heard a thud when A.H. was inside the room with police.

The SIU was notified, invoked their mandate and commenced an investigation.

Conclusion

The report prepared by the SIU Director Joseph Martino in relation to this incident is a public document and made available on the SIU’s Ontario Government website. In his report, Director Martino stated the following:

*“On the totality of the evidence, the dealings between the Complainant and the officers were unremarkable. At no point was force brought to bear by the officers during the time the Complainant was in police custody. As for a fracture the Complainant is said to have suffered in an around the time of the incident, I am unable to reasonably conclude with any confidence that it is evidence of force brought to bear by the police. It was diagnosed on April 2, 2024, a week after the events in question, and there is no mention of any such fracture in the Complainant’s medical records of the Complainant’s time at either JH or SJH”.*

*On the aforementioned-record, there is no basis for proceeding with criminal charges in this case. This file is closed.*

A comprehensive review of the events and information gathered in relation to the complaint has determined that there were no breaches of Hamilton Police Service Policies and Procedures.

FB/W. Mason

cc: Paul Hamilton, Deputy Chief - Support

Will Mason, Superintendent – Professional Development Division

Marco Visentini, Legal Counsel