**HAMILTON POLICE SERVICE
CONFIDENTIAL
INFORMATION REPORT**

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| **TO:** | Chair and MembersHamilton Police Service Board |
| **BOARD MEETING DATE:** | September 25, 2025 |
| **SUBJECT:** | SIU File 25-OFI-103 – Injury of D.G. |
| **REPORT NUMBER:** | 25-063 |
| **PRESENTATION:** | No |
| **OUTSTANDING BUSINESS ITEM:** | No |
| **SUBMITTED BY:** **SIGNATURE:** | Frank Bergen, Chief of PoliceActing Chief Bergen's Signature |

**BACKGROUND**

Provincial legislation requires that the Chief or designate shall conduct an investigation promptly into any incident in which the Special Investigations Unit (SIU) has investigated a member of a police service. The purpose of the Chief’s investigation is to investigate the member’s conduct in relation to the incident, the policing provided by the member in relation to the incident, and the procedures established by the Chief of Police as they related to the incident (Section 81(4)). The Chief is mandated to make the report to the Board within 90 days after the SIU Director publishes a report in respect of the incident (if no charges are laid), or within 90 days after the disposition of the charges (if charges are laid) (Section 8(3) of Ontario Regulation 90/24). The Board shall publish the report on the internet within 30 days of receiving the report (section 8(5) O. Regulation 90/24).

**EXECUTIVE SUMMARY**

On March 16, 2025, Hamilton Police Service (HPS) Officers responded to a Stabbing Just Occurred call for service at 227 Hunter Street East, Hamilton. Information was received that there was a male on the porch covered in blood and yelling for help, the suspect in the stabbing (the Complainant) was inside the house. Police arrived on scene, officers entered the premise to ensure there were no other victims and to locate the Complainant. Medical assistance was also being given to the stabbing victim outside the premise. The Complainant was in hiding in a bedroom. When officers opened the door, the Complainant lunged forward brandishing a knife toward them. The Complainant was shot by police, he was hit by multiple rounds and fell to the floor. Emergency Medical Services (EMS) transported the Complainant to Hamilton General Hospital (HGH). The Special Investigations Unit (SIU) was notified and invoked their mandate. The SIU investigation determined that the involved Officers were legally justified in their actions. The stabbing victim later succumbed to his injuries and the Complainant has been charged with murder. This matter is before the courts.

* On March 16, 2025, at 3:43 pm, HPS officers responded to a Stabbing Just Occurred call for service at 227 Hunter Street East, Hamilton. The Caller informed dispatch that a male was yelling for help, he was on the porch covered in blood; there was a neck injury and that the suspect was still on scene, inside the house.
* On arrival, the stabbing victim was located sitting on a rear stairwell at the back of the residence. He was bleeding from the neck. Officers provided first aid. The stabbing victim stated that the Complainant was in the apartment. A decision was made to enter the apartment to both locate the Complainant and to ensure there were no other victims inside.
* Subject Officer #1 (SO #1) entered the premise with four other officers (all were designated as Witness Officers by the SIU). A methodical search of the rooms began. A volume of blood was observed on the kitchen floor of the premise. SO #1 heard a noise from one of the bedrooms, he gave verbal commands for the occupant (the Complainant) to exit the room. When SO #1 attempted to open the door, the Complainant was holding it closed. Officers forced the door open and the Complainant lunged forward, slashing at SO #1 with a knife. SO #1 discharged his firearm six times and the Complainant fell to the floor. The knife was moved away from the Complainant and first aid efforts were undertaken by officers.
* The Hamilton Police Professional Standards Branch were made aware on March 16, 2025. The SIU was contacted, they invoked their mandate and commenced an investigation.
* In the report prepared by the SIU Director Joseph Martino, he stated “The Complainant was shot by a HPS officer, sustaining serious gunshot wounds, on March 16, 2025. The SIU was notified of the incident and initiated an investigation naming the officer – 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 shooting.”

Director Martino also stated “I am also satisfied that the shots fired by the SO constituted reasonable force in self-defence. The SO had cause to believe that his life, and the lives of the other officers with him, were in peril when the Complainant thrust the knife he was holding in their direction. The Complainant had just stabbed the Victim while an intruder in his apartment, and was now actively attacking the officers with the knife at close range. Given the speed of events, retreat or withdrawal were not realistic options. Immediate action was required in the circumstances, and gunfire was the only recourse available with the stopping power demanded of the moment.”

* The Hamilton Police Service Use of Force Section was requested to review the interaction and provide an assessment of the SO #1’s actions. The following is their summary:

* + The responsibility of the officers was to preserve and protect life. The decision to enter and clear the apartment with a firearm drawn was reasonable considering that one victim was already stabbed and SO #1 was looking for other potential victims as well as the Complainant. Given the volume of blood on the floor, it was reasonable to assume that there was other victims. SO #1 had full access to all Use of Force options on his belt. The choice of Use of Force option was reasonable and would be expected in this circumstance.
	+ The Complainant attempted to stab or slash SO #1. SO #1, believing that they were in a situation where grievous bodily harm or death would result to himself or other officers, responded by discharging his firearm at the Complainant. The force used was necessary to prevent this harm and less force could not effectively stop the threat. The force was proportional to the force encountered, i.e., lethal force with a firearm was used to stop a lethal force (by edged weapon) encounter. The force was reasonable as it was not disproportionate to the force encountered.
	+ The use of verbal strategies to prevent conflict or reduce the intensity of a situation without the application of force was used in the form of verbal commands by SO #1; the Complainant did not comply. SO #1 interacted with the Complainant within a short engagement distance, limiting options to disengage or contain, or to transition to a less lethal force option particularly with other potential victims nearby. The only de-escalation option was lethal force.
	+ SO #1 was obligated to search the apartment to assist other victims and prevent further assaults by the Complainant. It would have been unacceptable to wait and hold at the door for a tactical unit to attend.
* As provincially mandated, a comprehensive investigation was undertaken of the events and information gathered in relation to the complaint. It was determined that there were no breaches of Hamilton Police Service Policies and Procedures and no misconduct on the part of the Officers.

The Special Investigations Unit Act, section 35.1 (1), dictates that if, during the SIU’s investigation, potential police officer misconduct is discovered (as defined in the Community Safety and Policing Act), The SIU Director shall notify the Complaints Director. As well, section 35.2 of the SIU Act dictates that if, during the SIU’s investigation, potential issues are discovered relating to the adequacy and effectiveness of policing including policies and procedures, the SIU Director shall notify the Inspector General of Policing. At the conclusion of the SIU Investigation, the SIU Director did not make any notifications to the Complaints Director or the Inspector General of Policing.

FB/W. Mason

c: Paul Hamilton, Deputy Chief – Support

 Will Mason, Superintendent – Professional Development Division

Marco Visentini, Legal Counsel