



HAMILTON POLICE SERVICE

CONFIDENTIAL

INFORMATION REPORT

TO:	Chair and Members Hamilton Police Service Board
BOARD MEETING DATE:	May 21, 2026
SUBJECT:	SIU File 25-OCI-425 – Injury of A.B.
REPORT NUMBER:	26-036
PRESENTATION:	No
OUTSTANDING BUSINESS ITEM:	No
SUBMITTED BY:	Frank Bergen, Chief of Police
SIGNATURE:	

EXECUTIVE SUMMARY

- On October 22, 2025, a Complainant suffered a fractured left orbital bone following an arrest.
- The SIU was contacted and invoked their mandate.
- Following their investigation, the SIU concluded there are no reasonable grounds to believe that the Subject Official (SO) committed a criminal offence in connection with the Complainant's injury.

APPENDICES ATTACHED

Appendix A – Background Information

FB/W. Mason

- c: Paul Hamilton, Deputy Chief – Support
Will Mason, Superintendent – Professional Development Division
Marco Visentini, Legal Counsel

26-036 Appendix A – SIU File 25-OCI-425

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).

On October 22, 2025, at approximately 9:40 p.m., the Subject Official (SO) was on patrol in a fully marked police cruiser. His Automated License Plate Reader (ALPR) alerted him to a licence plate reported as "missing" attached to a Ford Ranger pick-up truck. The vehicle pulled into a rear laneway in the area of Wellington Street North and King Street East. The SO utilized his emergency equipment to initiate a traffic stop.

The driver of the truck, the Complainant, went towards the rear stairwell of a residential building, ignoring the SO's requests that he stop. The Complainant climbed the stairs to a second-story landing, where he briefly stumbled. The SO caught up with the Complainant and told him he was under arrest. The Complainant moved towards the railing, the SO attempted to take physical control of him. The Complainant physically struggled and the SO eventually employed two quick strikes to subdue the Complainant's resistance. The arrest of the Complainant was completed.

The arrest of the Complainant was captured, largely, on Body Worn Camera (BWC). During the struggle with the Complainant, the BWC was dislodged from the SO onto the ground.

Medical attention was immediately sought for the Complainant. He was diagnosed with a fractured left orbital bone.

The SIU was contacted and invoked their mandate.

In the report prepared by the SIU Director Joseph Martino, he acknowledged the SO was entitled to arrest the Complainant for obstruction of justice and also stated, "The SO was also entitled to resort to force when the Complainant struggled against the officers' efforts to secure him in handcuffs. The struggle was occurring at a height on an exterior landing and the Complainant had forced his way to the railing, raising the risk of

a fall. It was important in the circumstances that the Complainant be subdued as quickly as possible in the interests of everyone's safety. Two quick strikes to the face, delivered in the course of a struggle after repeated verbal and physical efforts to suppress the Complainant's resistance had failed, would not appear disproportionate to the needs of the moment." The SIU concluded there is no basis for proceeding with criminal charges in this case.

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.