




# HAMILTON POLICE SERVICE

## CONFIDENTIAL

### INFORMATION REPORT

<b>TO:</b>	Chair and Members Hamilton Police Service Board
<b>BOARD MEETING DATE:</b>	June 25, 2026
<b>SUBJECT:</b>	SIU File 25-OCI-422 – Injury of G.C.
<b>REPORT NUMBER:</b>	26-051
<b>PRESENTATION:</b>	No
<b>OUTSTANDING BUSINESS ITEM:</b>	No
<b>SUBMITTED BY:</b>	Frank Bergen, Chief of Police
<b>SIGNATURE:</b>	

#### EXECUTIVE SUMMARY

On September 7, 2025, at approximately 12:56 a.m., Hamilton Police Service (HPS) officers responded to Cadillac Jax Bar & Grill located at 532 Main Street E, Hamilton, regarding a disturbance. Inside the bar, a woman was arrested for assault and escorted out of the bar. During the course of this arrest, the Complainant attempted to physically intervene. The Complainant was pushed back by Subject Official #2 (SO #2) and fell to the ground. Subject Official #1 (SO #1) engaged the Complainant on the ground and handcuffed her with the assistance of another officer. The Complainant was arrested for obstructing a peace officer.

The Complainant later submitted a complaint to the Law Enforcement Complaints Agency (LECA) and alleged her wrist had been broken. Due to this allegation, the Complainant was put in contact with the SIU and they invoked their mandate. The SIU concluded there are no reasonable grounds to believe that the Subject Officials committed a criminal offence in connection with the Complainant's injury.

#### APPENDICES ATTACHED

Appendix A – Summary

FB/W. Mason

- c: Robin Abbott, Acting Deputy Chief – Support
- Will Mason, Superintendent – Professional Development Division
- Marco Visentini, Legal Counsel

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**Vision:** To be a trusted partner in delivering public safety.

**Mission:** To serve and protect in partnership with our communities.

**Our Values:** Compassionate, Dedicated, Inclusive, Integrity, Innovative, Professional, Teamwork

## **26-051 Appendix A – Summary Special Investigation Unit’s Probe into the injury of G.C. SIU File 25-OCI-422**

### **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 September 7, 2025, at approximately 12:56 a.m., Hamilton Police Service (HPS) officers responded to Cadillac Jax Bar & Grill located at 532 Main Street E, Hamilton, regarding a disturbance. Inside the bar, a woman assaulted a male in the presence of officers. The woman resisted police directions and kicked an officer as officers attempted to escort her outside. The woman was grounded on the parking lot and placed under arrest. During the course of this arrest, the Complainant attempted to physically intervene. The Complainant was pushed back by SO #2 and fell to the ground. SO #1 engaged the Complainant on the ground and handcuffed her with the assistance of another officer. The Complainant was arrested for obstruct peace officer. This entire interaction was largely captured on Body Worn Camera. The Complainant was later released unconditionally.
- The Complainant later submitted a complaint to the Law Enforcement Complaints Agency (LECA) and alleged her wrist had been broken. This complaint was forwarded to HPS on October 20, 2025. Due to the allegation, the SIU was contacted. After the Complainant produced medical evidence, the SIU invoked their mandate on December 11, 2025.
- In the report prepared by the SIU Director Joseph Martino, he acknowledged the Complainant was lawfully arrested for obstructing a peace officer and also stated, “In the result, while I accept that the Complainant’s injury may have been incurred in the course of her arrest, whether the push to the ground by SO #2 or the application of the handcuffs, there are no reasonable grounds to believe it is attributable to unlawful conduct on the part of the subject officials. As such, there is no basis for proceeding with criminal charges in this case. The file is closed.”
- 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.