




HAMILTON POLICE SERVICE

CONFIDENTIAL

INFORMATION REPORT

TO:	Chair and Members Hamilton Police Service Board
BOARD MEETING DATE:	June 25, 2026
SUBJECT:	SIU File 25-OCI-498 – Injury of W.M
REPORT NUMBER:	26-052
PRESENTATION:	No
OUTSTANDING BUSINESS ITEM:	No
SUBMITTED BY:	Frank Bergen, Chief of Police
SIGNATURE:	

EXECUTIVE SUMMARY

On December 3, 2025, at approximately 7:04 a.m., Hamilton Police Service (HPS) officers attended an address on Keith Street, regarding an intimate partner violence (IPV) investigation. Reasonable grounds existed to arrest the Complainant. The Complainant was located in a trailer with the victim of the IPV incident. The Complainant was pulled from the trailer door by Subject Official #1 (SO #1) and Subject Official #2 (SO #2) to be arrested. The Complainant stepped from the trailer floor to ground level, landing awkwardly on his right foot and fracturing it in the process. The Complainant was transported to hospital after his arrest and treated for his foot fractures.

The SIU were contacted 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

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

26-052 Appendix A – Summary Special Investigation Unit’s Probe into the injury of W.M. SIU File 25-OCI-498

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 December 3, 2025, at approximately 7:04 a.m., HPS officers attended an address on Keith Street, regarding an IPV investigation. Reasonable grounds existed to arrest the Complainant for break and enter, assault and three counts of fail to comply. The investigation led the officers to a trailer, which was at the rear of a residence.
- At the trailer screams could be heard from within, the victim of the IPV incident was inside the trailer with the Complainant. SO #1 and SO #2 made demands for the Complainant to surrender, he refused. The trailer door was locked. The window of the trailer door was smashed by SO #2 to gain access, the Complainant was standing on the other side of it and stated he had glass in his eye. SO #2 opened the door and the Complainant was pulled out by SO #1 and SO #2 to be arrested. The Complainant stepped from the trailer floor to ground level, landing awkwardly on his right foot and fracturing it in the process. The Complainant was transported to hospital after his arrest and treated for his foot fractures.
- The SIU was notified and invoked their mandate.
- In the report prepared by the SIU Director Joseph Martino, he stated, “I am also satisfied that SO #1 and SO #2 used no more force than was necessary to secure the Complainant in custody. Taking the Complainant by the arms and pulling him forward was a legitimate tactic. Given the violence the Complainant had reportedly visited on the CW, the officers would have wanted to quickly control his arms and remove him from the trailer to prevent the possibility of further violence. The maneuver was also performed with minimal force. In fact, the injury the Complainant suffered was more a product of the manner in which he landed on his right foot than anything reckless or dangerous done by the officers. The same can be said of the Complainant’s placement in a prone position on the ground. For the foregoing reasons, 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.