




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-500 – Injury of H.R.
REPORT NUMBER:	26-053
PRESENTATION:	No
OUTSTANDING BUSINESS ITEM:	No
SUBMITTED BY:	Frank Bergen, Chief of Police
SIGNATURE:	

EXECUTIVE SUMMARY

On December 4, 2025, Hamilton Police Service (HPS) officers were dispatched to an address on Cumberland Avenue, following a call to police about an intimate partner violence (IPV) incident. The Complainant was the subject of two arrest warrants and this was known by the attending officers. The Subject Official (SO) located the Complainant in the backyard of the address and attempted to arrest him. The Complainant struck the SO, and vigorously resisted arrest. The SO punched the Complainant and, with the assistance of two additional HPS members, were able to take the Complainant into custody. It was apparent that the Complainant had suffered facial injuries. Emergency Medical Services (EMS) were called and transported the Complainant to the hospital. He was diagnosed with a fractured right orbital bone.

The SIU were contacted and they invoked their mandate. The SIU concluded there are no reasonable grounds to believe that the Subject Official 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

25-053 Appendix A – Summary Special Investigation Unit’s Probe into the injury of H.R. SIU File 25-OCI-500

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 4, 2025, Hamilton Police Service (HPS) officers were dispatched to an address on Cumberland Avenue, following a call to police about an intimate partner violence (IPV) incident. Civilian Witness #1 (CW #1) advised dispatch that the Complainant was at her apartment, destroying it, and had threatened to shoot her. CW #1 had fled with her children. The Complainant was also the subject of two arrest warrants.
- At the residence, the Subject Official (SO) was told by a neighbor that the Complainant had been using cocaine and was possibly in the backyard. The SO located the Complainant in the backyard and attempted to arrest him. The Complainant struck the SO in the face. The SO returned strikes and brought the Complainant to the ground. The Complainant continued to fight and vigorously resist arrest. Further strikes were utilized by the SO in an attempt to control the Complainant and only with the assistance of two additional HPS members were they able to take the Complainant into custody.
- It was apparent that the Complainant had suffered facial injuries. Emergency Medical Services (EMS) were called and transported the Complainant to the hospital. At the hospital, the Complainant continued to attempt to fight officers and spit at them, he was eventually sedated by medical staff. The Complainant was diagnosed with a fractured right orbital bone.
- 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 the force used against the Complainant was no more than was necessary to effect his arrest. It is clear that the Complainant was subjected to multiple punches, some of which struck him in the head. However, it is also clear that the Complainant’s resistance to arrest was strenuous and protracted. There is evidence that he was the first to punch the SO as the two initially tussled on their feet, and he continued to struggle on the ground against the officers’ efforts to control his arms behind the back

even after the last of the officers' punches. It was only with the intervention of a third officer – WO #1 – that the Complainant was finally taken into custody.

In the result, while I accept that the Complainant's fractures were incurred in the altercation that marked his arrest, the likely result of one or more of the SO's punches, there are no reasonable grounds to believe the injuries are attributable to unlawful conduct on the part of the officer."

- 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.