



BOARD REPORT

Date: January 9, 2025

To: Chair and Members
Brantford Police Services Board

From: Inspector Kevin Reeder

Subject: Report on Section 81(1) Investigation (SIU)
(SIU 24-OFP-378)

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PURPOSE:

Section 81(1) of the *Community Safety and Policing Act* directs that if the SIU Director causes an incident to be investigated under Section 15 of the *Special Investigations Unit Act, 2019* involving a member of a police service, other than a Deputy Chief of Police, the Chief of Police of the police service shall investigate:

- (a) the member's conduct in relation to the incident;
- (b) the policing provided by the member in relation to the incident; and
- (c) the procedures established by the chief of police as they related to the incident.

The Chief of Police shall report the findings and any action taken or recommendations based on the findings of the Section 81(1) investigation to the Police Service Board.

Section 8(3) of Ontario Regulation 90/24 directs that a Chief of Police who is required to report on an investigation under Section 81(1) shall give the report to the Police Service Board. If no criminal charges are laid against a member of the police service, the report shall be given within 90 days after the SIU Director publishes a final report.

Section 8(5) of Ontario Regulation 90/24 directs that a Police Service Board shall publish the report on the internet no later than 30 days after receiving the report.

BACKGROUND:

In the early morning of September 12, 2024, BPS officers were dispatched to an apartment in the area of Marlene Avenue, Brantford. Security at the building had contacted police to report a disturbance in the apartment involving a male armed with a knife having reportedly assaulted another male.

Several officers responded and arrived on scene, shortly before 2:00AM. The tenant exited the apartment and provided the officers with the key. He confirmed that the subject was inside the residence and had earlier threatened someone with a knife.

The officers opened the door and observed the subject at the back of the apartment. He was carrying a knife in his back pocket and another around his waist in a sheath. Officers were equipped with both lethal and less lethal use of force options. The subject was ordered to place the knives on the floor and did so. From the doorway's threshold the officers communicated with the subject. They explained that he was under arrest for assault and ordered him to place himself on the floor. The subject said he would kill himself if the officers entered the apartment and told them at one point to shoot him in the head. At about 2:30AM, he retrieved a couple of other knives nearby and held them to his head and abdomen as his level of agitation increased. He subsequently let go of one knife but held onto the other.

At about 2:49AM, an ERT officer (the subject official) fired a single round from his ARWEN. The projectile struck the subject in the groin. Directed to drop the knife, the subject did so before he fell onto a nearby bed. The officers entered the apartment, approached the subject and handcuffed him without further incident.

The subject was taken to hospital after his arrest and found to be without serious injury.

The SIU was contacted and initiated an investigation.

The SIU has concluded their investigation and found there are no reasonable grounds to believe that the subject official committed a criminal offence in connection with the use of the ARWEN.

The SIU concluded:

Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were required or authorized to do by law.

The officers were within their rights in seeking to arrest the subject. Given the information at their disposal from the call to police and the complainant, they had grounds to believe

that the subject had assaulted another male with a weapon and were entitled to take him into custody on that basis.

The force used by the subject official to effect the subject's arrest was justified. The officers comported themselves in a measured fashion from the moment of their arrival. Having attempted to negotiate the subject's safe surrender over a period of about an hour, it made sense to consider other options in light of the subject's growing agitation and the ever present risk that he might attempt to harm himself with the knife or turn it against the officers. Rushing into a physical confrontation with the subject was not a realistic option given the knife in his possession. The use of the ARWEN was a reasonable tactic in the circumstances. If it worked as designed, the impact of the ARWEN round would sufficiently distract or deter the subject without inflicting serious injury to allow the officers to safely approach and apprehend him. That, in essence, is what occurred.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed.

CONCLUSION:

The ensuing Section 81(1) investigation conducted by the Professional Standards Section found the conduct of the officers involved in this incident were in accordance with the requirements prescribed in the *Community Safety and Policing Act* and the Brantford Police Service policies and procedures.

There was no evidence to suggest the officers involved committed misconduct or unsatisfactory work performance.

No deficiencies were identified with the policies and procedures of the Brantford Police Service.

As a result, no action is recommended to be taken.

RECOMMENDATIONS:

THAT the Board accepts this report as required under the *Community Safety and Policing Act*, and

THAT the Board directs the Chief of Police to post this report on the internet within 30 days of receiving the report.