



## Chief's Review

**April 14<sup>th</sup> 2025**

### **Preamble:**

*As per Section 81 of the Community Safety and Policing Act, 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. 2019, c. 1, Sched. 1, s. 81 (1).*

*As per Section 81(5) of the Community Safety and Policing Act, the chief of police shall report on his or her investigation under subsection (1) in accordance with the regulations made by the Minister.*

*Regulation 90/24 General Matters Under the Authority of the Minister – of the Community Safety and Policing Act section 8(3) states: The report shall be given within the following time:*

- 1. If an investigation under section 15 of the Special Investigations Unit Act, 2019 does not result in charges being laid against a member of the police service in respect of the incident, the report shall be given,*
  - i. within 90 days after the SIU Director publishes a report in respect of the incident under subsection 34 (1) of that Act or decides under subsection 34 (6) of that Act to not publish the report, or*
  - ii. if it is not possible to give the report within the time specified by subparagraph i, as soon as possible after that time.*
- 2. If an investigation under section 15 of the Special Investigations Unit Act, 2019 results in charges being laid against a member of the police service in respect of the incident, the report shall be given,*
  - i. within 90 days after the final disposition of the charges, or*
  - ii. if it is not possible to give the report within the time specified by subparagraph i, as soon as possible after that time.*

*Section 8(5) O.Reg 90/24 - No later than 30 days after receiving the report, the police service board or Minister, as the case may be, shall publish the report on the Internet.*

**Date of Section 81 Review: April 14<sup>th</sup> 2025**

**Incident #:** SS24009360

**Date of Incident:** November 9th 2024

**SIU #:** 24-OCI-533

***Summary of Incident:***

On December 13, 2024, at 11:04 a.m., the Law Enforcement Complaints Agency contacted the SIU with the following information:

On November 9, 2024, the Saugeen Shores Police Service (SSPS) attended a home in Port Elgin. They had received a call regarding a request for a wellness check of a male [now known to be the Complainant] in the residence, who had consumed a quantity of drugs and alcohol. The Complainant became non-compliant during attempts to apprehend him under the *Mental Health Act*. Four officers pinned the Complainant to the ground and eventually handcuffed him. He was transported to Brightshores Health System – Southampton Hospital. On December 27, 2024, he was diagnosed with a fractured finger.

***Summary of SIU complaint / involvement:***

The SIU assigned 3 investigators.

***Summary of SIU findings:***

On Monday April 14<sup>th</sup> 2025, Chief Zettel received an email from SIU advising that the investigation had been completed, and the file has been closed with no further action being contemplated.

***Review of Legislation and Procedures:***

- AI-012SSPS – Use of Force
  - Procedure reviewed
  - Physical Control Techniques used – Section 12
- LE-025SSPSSP-007 – Special Investigations Unit
  - Notes and investigation conducted according to procedure
  - All members cooperated fully with the SIU investigation as required.
- LE-013SSPS – Police Response Emotionally Disturbed, Mental Illness or Developmental Disability
  - Review Section 7 – Apprehensions under the Mental Health Act
  - Review Section 12 – Criminal Offences Involving Persons with a Mental illness
- Criminal Code

- Review Section 25(1) – Protection of Person Acting Under Authority
- Mental Health Act
  - Review Section 17 – Action by Police Officer

***Conclusion:***

The Special Investigations Unit designated 4 witness officials for this incident. A witness official is an official (whether a police officer, a special constable of the Niagara Parks Commission or a peace officer with the Legislative Protective Service) who, in the opinion of the SIU Director, is involved in the incident under investigation but is not a subject official in relation to the incident. Upon request by the SIU, witness officials are under a legal obligation pursuant to the SIU Act to submit to interviews with SIU investigators and answer all reasonable questions. The SIU is also entitled to a copy of their notes. The witness officials cooperated fully with the investigation.

In review of the incident, notes, reports, and investigation by SIU, it is believed that the officers entered into the home under exigent circumstances, concerned for the complainant's reported suicidal ideations and possible overdose, and the presence of children within the residence. Once inside the residence, their beliefs were confirmed, and the complainant was apprehended under the Mental Health Act. During the apprehension, the complainant actively resisted by refusing to release his arms to be handcuffed, and was taken to the ground to better control the complainant and effect the apprehension.

Weeks later, it was alleged that during the arrest, the complainant suffered a broken finger. This was not known by officers at the time, and was only brought to the attention of the police service when a complaint was filed with the Law Enforcement Complaint Agency and subsequently the Special Investigations Unit.

In conclusion, I have determined that the police officers involved acted in a professional and lawful manner when dealing with this investigation. The incident was dictated by the complainant, and the active resistance displayed during the apprehension. The officers acted in a professional and lawful manner according to legislation, procedures, and training.

The complainant has been charged with Obstructing a Peace Officer contrary to Section 129(a) of the Criminal Code of Canada.

**Further actions:**

The witness officials have been advised of the outcome of this investigation

Respectfully submitted,

2025-05-13

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Kevin Zettel

Chief of Police

Signed by: Kevin Zettel KG (M)