



OFFICE OF THE INDEPENDENT
POLICE REVIEW DIRECTOR

Investigative Report

Complainant: Marian Madjarian

Complaint Number: E-201404020345500046
E-201406190148290671

Police Service: Durham Regional Police Service

Director: Gerry McNeilly

Date Retained: April 7, 2014

Date: January 26, 2015

Summary of the Complaint

On Monday December 2nd, 2013, the Complainant's husband was shot and killed by an officer from the Durham Regional Police Service (DRPS) on the street near his home in Ajax. The Complainant's husband had been ill for a few days and had a high fever. This caused delirium and he ran from his home into the neighbourhood, naked. The police were called and they located the Complainant's husband. A confrontation ensued and he was shot. The Complainant was advised by police that her husband had been taken to hospital. She was not advised he had been shot until sometime later.

The Complainant's husband was taken to Rouge Valley Hospital and then airlifted to St. Michael's Hospital (St. Mike's) in Toronto. The Complainant was driven to Rouge Valley Hospital by DPRS officers then driven to St. Mike's. While there, the Complainant was interviewed by two officers from DPRS Homicide Unit. The interview was interrupted by investigators from the SIU and then allowed to continue.

While at the hospital, the Complainant learned that DPRS officers had attended her residence and conducted a search without a warrant. The Complainant has her father living with her and her father's caregiver informed her of the search.

The next day, the Complainant observed DPRS officers conducting a canvass of her neighbourhood. She also learned that police had called her niece, who lived two doors down, asking to come by and pick up a security video. The Complainant called her sister-in-law, who contacted the SIU. This resulted in the canvassing being stopped.

The Complainant later learned that the ambulance dispatched to assist her husband delivered basic service and an advanced service ambulance should have been sent. She alleges this was because of the information provided to the ambulance dispatch by police.

In her initial complaint to the OIPRD, the Complainant did not ask that the force used on her husband be investigated. In her formal interview she advised that she wanted this area investigated.

Code of Conduct Allegations

Allegation #1

Unlawful or Unnecessary Exercise of Authority, section 2(1) (g) (ii) of the Code of Conduct, Police Services Act – uses any unnecessary force against a prisoner or other person contacted in the execution of duty.

The Complainant has alleged that Constable Taylor used excessive force on the Affected Person.

Allegation #2

Neglect of Duty, section 2 (1) (c) of the Code of Conduct, Police Services

Act – Did without lawful excuse, neglect or omit promptly or diligently to perform a duty.

The Complainant has alleged that Constables Taylor, Williams and Brown did not provide adequate medical attention to the Affected Person after he was shot.

Allegation #3

Neglect of Duty, section 2 (1) (c) of the Code of Conduct, Police Services

Act – Did without lawful excuse, neglect or omit promptly or diligently to perform a duty.

The Complainant has alleged that Constable Craik did not provide the proper medical information to the Rouge Valley Hospital when the Affected Person was admitted. A list of his medications was not provided.

Allegation #4

Neglect of Duty, section 2 (1) (c) of the Code of Conduct, Police Services

Act – Did without lawful excuse, neglect or omit promptly or diligently to perform a duty.

The Complainant has alleged that Inspector Dmytruk, Detectives Leipsig, Moore and Melnick, and Detective Constable Samuels did not comply with Durham Regional Police Service policy and interfered with the SIU investigation.

Allegation #5

Discreditable Conduct, section 2 (1) (xi) of the Code of Conduct, Police Services Act – acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force of which the officer is a member.

The Complainant has alleged that Detective Constables Lenaerts and MacLean entered her house, took photographs and conducted a search of the premise without her permission.

Summary of Statements – Witnesses (Civilian & Police)

Complainant

The Complainant was interviewed by OIPRD investigators on two occasions. The following is a summary of her statements.

The Complainant was married to the Affected Person for five years. Her husband was a 47 year old healthy male who enjoyed exercising and being outdoors. Her husband had a brain injury as a young boy and in his mid to late twenties began experiencing seizures that were diagnosed as epilepsy and were related to the injury he suffered as a young boy. He was on medication for these seizures and under the care of a Neurologist. If he became ill or had a fever, this would bring on the seizures and it also made the medications less effective at controlling the seizures.

The Complainant stated that other than the issues with the seizures, her husband had no other medical problems. He did not suffer from any mental illness. The Complainant stated that she had a good relationship with her husband and that he had never assaulted her or threatened her. They lived in their residence with her elderly father who suffered from dementia. They had called 911 a few times from their residence for an ambulance for her father, but the police had never attended the residence for any issues between her and her husband.

During the weekend before the incident with DRPS, the Complainant's husband was not feeling well and had a fever. On Sunday morning the Complainant noticed that her husband had a high fever and she felt that he had suffered a seizure. Later in the day, she witnessed him having a

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seizure. She monitored him throughout the day and administered his medication and Tylenol to bring the fever down. The seizures were to his left side. He did not have much of an appetite and it was agreed that he was not going to work the next day.

On Monday December 2, 2013, her husband woke up very early and it was too early for him to phone his boss to advise him he was not coming to work. He got up again at around 6:30 AM and phoned a co-worker to advise he wouldn't be going to work. The Complainant works from home and has an office on the same floor as their bedroom. She went into the office to begin work at 7:50 AM. She worked for about an hour when the door to her office opened and her husband came in. He was completely naked and was confused and not making sense. This was completely out of character for him. He never walked around the house naked and always wore shorts or sleeping pants in bed. The Complainant was on the phone with a client but she felt that her husband was going to leave the residence. She put the client on hold and tried to prevent her husband from leaving. They were on the landing outside their bedroom wrestling when her sister (Civilian Witness 1) came into the house to drop off her dog. Her sister lives five minutes away.

Civilian Witness 1 came up the stairs and the Complainant's husband shoved her and ran down the stairs and out of the residence. The Complainant ran after him, but when she got outside her husband was already some distance away. He was naked and running down the street. He was very fit and a faster runner than she. She returned to her residence and her sister was on her cell phone calling 911. The Complainant stated that her sister originally made the 911 call from her car. Her cell phone was in her car and she ran out to get it and make the call. She did not hear what her sister was saying because she had run down the street trying to catch her husband. At one point, the 911 operator asked to speak to the Complainant on the phone. The operator had her on the phone for three or four minutes and asked her if she had any injuries. She stated she had none. Her sister did not suffer any injuries either. Her husband had just shoved her sister so he could get by and leave the residence.

The Complainant called one of her sisters-in-law, who happened to be in Minnesota visiting family.

The police arrived shortly thereafter, around 10:30 AM, and started to ask questions of the Complainant and her sister. The first officer that came was a black male officer. The second

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officer that came was a shorter male officer whose first name was Joe. He was the one who stated that my husband obviously had mental issues. The Complainant asked the officers if they had found her husband. She was told that they had located him and that he was hurt and was being taken to hospital. She was not advised at this point that he had been shot or how serious his injuries were. She was advised that he was at the hospital and that the officers would let her know. She kept asking about his condition and went outside to look a couple of times but was told by the officers to come inside due to the cold weather.

An ambulance was also sent to the Complainant's residence around 10:30 AM to check for injuries. The Complainant stated that this ambulance was an "*advanced care*" ambulance and she doesn't understand why it was sent to her house. She later learned through her sister-in-law (Civilian Witness 17) that her husband was sent a "*basic care*" ambulance and she feels this was because DRPS officers on the scene did not advise the ambulance her husband had been shot or the severity of his injuries.

The Complainant could see police tape at Unsworth Crescent and Dring Street from her house. She knew this would be serious and thought that maybe her husband had been Tasered. She was going to walk towards it but the black officer advised her that it was cold out and she should return to the house.

At one point, the officers took the Complainant and her sister out to separate cruisers and were going to take them to the station. There was some radio communication at this point and they were returned to the residence and advised that another officer was coming to the house to speak to them. The Complainant stated they sat in the cruiser for some time.

Sometime around noon, another officer (Officer "*Joe*") arrived at the house. He was senior in rank and he informed the Complainant that her husband had been shot. He was a tall gentleman with grayish hair in his 50's. He advised her that her husband had been shot in the shoulder and the abdomen. The Complainant's sister was questioning why the police shot the Affected Person because he left the house naked with no weapon. Officer "*Joe*" stated that anything could be considered a weapon, even a rock.

The Complainant had a caregiver in the house to look after her father and there was a second caregiver from Street Elizabeth's Nursing also in the home while the police were there. The Complainant and her sister were transported to Rouge Valley hospital by police. Her niece

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came over to her house around 10:30 AM, was there a short while then left and came back. At some point her niece called her older sister.

When the Complainant arrived at Rouge Valley Hospital, she was allowed to see the Affected Person for a short time. She was advised by a surgeon that her husband was in critical condition and would be air lifted to St. Mike's hospital in Toronto. The Complainant was transported in a cruiser by Officer "Joe" and a female officer. She arrived at St. Mike's at approximately 1:15 PM.

At St. Mike's, the Complainant was placed in a quiet room with her sister. Civilian Witness 17 was already at the hospital along with another of the Affected Person's sisters. A short time after the Complainant arrived at the hospital; two detectives from the DRPS Homicide Unit interviewed her. They asked her sister to leave the room, but Civilian Witness 17 was present in the room while she was interviewed. The officers questioned her about the domestic dispute, but did not ask her about the shooting. A few minutes into the interview, the door opened and an SIU investigator stuck his head in. He seemed surprised to see the DRPS officers and asked what they were doing. One of the DRPS officers advised that they were investigating the domestic assault. The SIU investigator made a call and then allowed the interview to continue. The DRPS officers asked some background questions and then covered what had transpired in the home that morning.

After the interview, the Complainant received a call from her father's caregiver advising that three DRPS uniform officers had attended her house and searched and took photographs inside the house. The Complainant was upset by this because she had not given permission and they did not have a warrant.

The Complainant stated she also heard that DRPS officers were canvassing her neighbours on the afternoon of the shooting. She thought this was an SIU investigation and wondered why the DRPS was doing the canvas. Her niece was canvassed that afternoon and advised officers that she had a security system with video. The next morning her niece called the Complainant and advised that the DRPS had just called her and stated that they would be coming by her house to pick up the security video. The Complainant called Civilian Witness 17 to advise her of the DRPS actions. She stated that Civilian Witness 17 contacted the SIU and stopped them from

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going to her niece's house. The Complainant felt that the DRPS was interfering with the SIU investigation.

In her original complaint, the Complainant did not indicate that she had an issue with the amount of force used on her husband. However, in her interview with OIPRD investigators, the Complainant stated she felt the DRPS officers should have de-escalated the confrontation with her husband. She stated that her husband did not have a lethal weapon and he left the house naked. She felt that the time her husband was confronted by the police was very short and no attempt was made to speak with him or calm him down. The officers were out in the open and not trapped. She felt there had to be a better way to handle these types of incidents.

The Complainant felt that the DRPS should not have interviewed her at the hospital, should not have been canvassing in her neighbourhood the day of the shooting or the next day, should not have contacted her niece about the security tape and should not have intimidated her caregiver into allowing a search of her residence without a warrant. She felt that all of these actions were interfering with the SIU investigation and the DRPS should have not been involved.

The Complainant was upset with the information that was relayed to the ambulance dispatch by the DRPS officers. She feels the officers never advised the ambulance that her husband had been shot or the severity of his injuries. Had the ambulance known the severity of the injuries, they would have dispatched an "advance care" ambulance. The Complainant admitted that she was now aware that due to the severity of her husband's injuries, this would not have saved him, but she was upset that her husband did not receive the best care available. The Complainant was also upset that the three officers were standing around while her husband was lying on the cold roadway. She felt they could have offered more assistance.

Civilian Witness 1

Civilian Witness 1 is the sister of the Complainant and brother-in-law of the male victim. She was at her sister's residence the day of this incident. She was interviewed by investigators from the SIU on December 2, 2013. This is a summary of that interview.

The day of this incident, Civilian Witness 1 spoke to the Complainant on the phone at 9:00 AM. The Complainant told her that she had been up all night with their father and she was having trouble with her husband. The Complainant told her that her husband had suffered seizures but

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he wanted to get up and go to work. She hid his car keys to prevent him from leaving. She was going to drop her dog at her sister's and the Complainant asked her if she could bring her a coffee.

Civilian Witness 1 was aware that her brother-in-law suffered from seizures and could be quite obstinate after because it changes his personality. He suffered from seizures due to scar tissue on his brain that he acquired as a child. She had never witnessed him have a seizure. She has heard thuds, which her sister explained was her husband having a seizure, with his arms and legs flailing.

She was at her sister's residence the night before this incident and learned that her brother-in-law had got up for the bathroom and lost his balance. She did not see or speak to him. He had never been malicious or violent. When he experienced a seizure, he usually spent a day in bed to recuperate. If it was a more serious seizure, he spent a few days in bed.

Civilian Witness 1 arrived at her sister's residence around 10:00 AM. She walked into the residence and heard screaming. It was somewhat muffled. She thought it was her father because sometimes he yells out with his condition.

She realized it was her sister and brother-in-law yelling and it sounded like it was escalating. Her brother-in-law was screaming in a very uncharacteristic way. She went up the stairs, concerned about her sister, and went to their bedroom door to the right of the landing. The door to the bedroom opened and her brother-in-law looked at her and stated *"I'll kill you too"* and lunged at her. He grabbed her throat and head, and began punching her on the top of her head with his fist. He struck her approximately ten times. The strikes brought her to her knees.

Her sister was either beside or behind her husband, trying to stop him. He was naked and Civilian Witness 1 tried to grab his groin to stop him, but he did not stop. She yelled at her sister to let him go. They did and he bolted down the stairs and out of the house. She did not think he had anything in his hands.

Civilian Witness 1 was very weak, but managed to walk down the stairs and out to her vehicle, which was parked at her niece's house next door. She retrieved her cell phone, came back into the house and called 911. She did not see her brother-in-law while she was outside.

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She stood in the hallway and spoke to the police for quite a while. It took the police an unusually long time to arrive. She could see out the front door and across the street, but did not see her brother-in-law. She told the dispatcher that she did not need an ambulance. The dispatcher advised her that they may have sent officers to the wrong address and that they were receiving other phone calls.

Her sister was visibly upset and shaken. She let her sister speak to the dispatcher. She did not see anything that occurred outside and did not hear any gun shots. She was listening for sirens but didn't hear any. An officer attended the residence and then other officers arrived. He advised them that the matter was much more serious than they had thought.

A detective attended the residence and advised Civilian Witness 1 and her sister that the Affected Person had been shot. He explained the injuries. Initially police wanted to take them to the station for questioning, but that changed when it was determined it was going to be an SIU investigation. Later, when Civilian Witness 1 looked out of the residence, she saw a taped off area about 400 to 500 metres away.

She and the Complainant were taken to an Ajax hospital where a physician explained the seriousness of the injuries. They were then transported to St. Michael's Hospital by an unidentified male and female officer.

Civilian Witness 1 commented that she lived with her sister and brother-in-law up until January 2013. At times he would act "goofy", but she had never seen him act the way he did the day of the incident.

Civilian Witness 2

Civilian Witness 2 is a licenced private investigator. He was driving his black pick-up truck in the area en-route to pay some bills. He was interviewed by investigators from the SIU on December 2, 2013. The following is a summary of that statement.

Civilian Witness 2 was driving southbound on Westney Road, south of Williamson Drive in his black pick-up. He observed a naked male (the Affected Person) walking southbound on the west side of Westney Road. He pulled over near Telford Road and used his cell phone to call 911. As he was completing the call, the Affected Person walked past him.

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Civilian Witness 2 rolled down his passenger window, called the Affected Person over and asked if he was all right. He replied he was alright and walked towards the window. Civilian Witness 2 asked where he was going and the Affected Person replied that he was going to Mississauga. He asked if the Affected Person was cold and if he had forgotten his clothes. He thought the male was disoriented but not agitated. He told him to go home and get his clothes before he went to Mississauga. The Affected Person turned and walked northbound, breaking into a sprint. Civilian Witness 2 made a U-turn and followed.

The Affected Person ran through a plaza on the southeast corner of Westney Road and Williamson Road, and then continued westbound on Williamson Road and north on Dring Street. The witness followed and passed a daycare that had two young women outside screaming or laughing as the Affected Person ran by. Civilian Witness 2 called 911 a second time to update the police. The Affected Person turned around and saw the witness on the phone. He walked to the driver's side door of the witness' vehicle and started banging on the window with an open hand. He wanted to know who Civilian Witness 2 was speaking to. Civilian Witness 2 told him to get away from the truck

The Affected Person became hostile and agitated, and struck the window repeatedly with a closed fist Civilian Witness 2 was afraid to move his truck in case he struck the Affected Person. He eventually was able to accelerate away northbound on Dring Street where he pulled into a driveway and turned around facing his truck southbound. He could not see the Affected Person.

He then observed the Affected Person running up to the front door of a residence on Dring Street. The Affected Person had picked up a patio table and was striking the glass house door with it. Civilian Witness 2 believed the table broke and the Affected Person was left with a metal pipe in his hands. He was yelling something but Civilian Witness 2 could not hear what he was saying. He thought the Affected Person was trying to break into the house.

The police arrived in four to six police cruisers. Civilian Witness 2 pointed out the Affected Person to them on the porch of a residence. A police SUV pulled up just north of the residence and stopped almost parallel to Civilian Witness 2's pick-up truck.

As soon as the officers pulled up, the Affected Person left the porch running in a southwesterly direction towards the officers with the pipe in his hands. The witness stated that his view was

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partially blocked by the officer's SUV. The Affected Person ran towards the officer that had exited the SUV (Constable Taylor). The officer had rounded the back of the cruiser and was standing past the left rear corner of the vehicle.

The officer was in the witness' sight the entire time. The officer told the Affected Person to drop the pole or put it down. Civilian Witness 2 heard two quick shots. The officer took a couple of quick steps backwards as the Affected Person stumbled and slumped on the roadway. Two other officers, who had been on the west side of the street, approached the Affected Person. One officer had his gun drawn and pointed towards the Affected Person while the other officer kicked the pipe away. The officers handcuffed the Affected Person and then tried to render first aid. He resisted. One of the officers stepped back and Civilian Witness 2 heard him say, "*Stop resisting; I'm trying to help you.*" He could not see the Affected Person when the shots were fired because a police vehicle (Constable Taylor's SUV) was blocking his view of the driveway.

Civilian Witness 2 stated that another vehicle was stopped on the street and the driver watched the incident.

An ambulance arrived and attended to the Affected Person.

Civilian Witness 2 noted that the Affected Person did not smell of alcohol when he spoke to him. The Affected Person did not have anything in his hands until he left the porch of the residence on Dring Street.

Civilian Witness 3

Civilian Witness 3 works for the Durham School Board and on December 2, 2013 she was in the area of this incident visiting a local school. The witness was interviewed by SIU investigators on December 4, 2013. The following is a summary of that interview.

Civilian Witness 3 was driving her Hyundai Accent south on Westney Road and turned right onto Williamson Drive. She observed a man in a dark pick-up truck driving slowly westbound (Civilian Witness 2). He seemed to be speaking to someone from his driver's side window on the south side of the street. She could not see at first who he was speaking to because of a bus stopped near the intersection. She soon saw a naked man (the Affected Person) running across Williamson Drive, from south to north and onto Dring Street.

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The pick-up truck followed and she did as well. She had a blanket in her car and she thought it might be useful. The pick-up truck stopped just north of Unsworth Crescent. The Affected Person approached the driver's side of the pick-up and began to bang on the windows very hard with his fists. The truck drove away northbound a short distance.

The Affected Person approached the witness' vehicle and pounded on the hood and the driver's side window and yelled, *"Turn it off, turn it off."* Civilian Witness 3 became frightened that the Affected Person would break her window so she tried to make a U-turn. The Affected Person ran from her vehicle towards a house just north of her. He was banging on a vehicle parked in the driveway. There was a woman in the driver's seat (Civilian Witness 4). The woman appeared to be looking down to avoid eye contact. The Affected Person turned away from the vehicle and picked up a large rock out of the garden. As he did that, the woman reversed her car out of the driveway. She drove north and stopped beside the pickup truck.

Civilian Witness 3 drove away and when she approached the intersection of Dring Street and Williamson Drive, she observed three police cars driving westbound on Williamson Drive. She honked her horn and waved her arms. The police cars stopped and backed up. The officer in the first car asked where the naked man was and she indicated that he was north of her location on Dring Street.

Civilian Witness 3 decided to watch what was happening from the entrance to Dring Street. She observed the Affected Person coming out of the driveway of the house he had been at and he was carrying a metal pipe. She thought the pipe was similar to those used for street signs. He was holding it like a baseball player would hold a bat, above his head and to the right side. He was facing the police and she felt that all three officers had their guns drawn and pointed at him.

Civilian Witness 3 heard three bangs and could see the recoil of one gun held by the officer who was first in line of the three. She thought the male was shot in the leg because he did not go down quickly but went down in a stumble. The officers dragged the male to the middle of the road. One officer kicked the metal pole away and it went west to the side of the roadway. The officers were dealing with the man and covered him with a yellow blanket. The witness left to go to work.

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Civilian Witness 4

Civilian Witness 4 lives on Dring Street and was returning home from dropping her daughter off at daycare around 10:20 AM. She was interviewed by SIU investigators on December 2, 2013. The following is a summary of that interview.

When Civilian Witness 4 drove onto Dring Street, she observed a nude male (the Affected Person) walking towards a black pick-up truck. The truck was partially blocking Civilian Witness 4's driveway. The Affected Person was banging on the driver's side window of the truck. He was saying something, but the witness could not hear the conversation between the Affected Person and the driver of the truck.

Civilian Witness 4 drove into her driveway as the pick-up truck drove off. She phoned 911 from her car. While she was on the phone, the Affected Person walked towards her vehicle. He banged on the driver's side window with both hands. He appeared distraught and she advised him she was on the phone to the police. He stated, "I don't care. Open the fucking window now." The police operator advised the witness not to speak to the Affected Person.

The Affected Person went to the witness' rock garden and picked up a football-sized rock. He started to walk back towards her vehicle and she backed out of the driveway and drove down Dring Street three or four houses towards Atherton Street.

From the back window of her vehicle, she observed the Affected Person go to her neighbour's front veranda. He picked up a patio chair from the veranda and banged it against the front door of the residence. She did not hear any glass break.

The Affected Person had a piece of broken patio furniture in his hands. It was a two to three foot long metal rod. Civilian Witness 4 believed it was the leg of a patio chair or table and it was the width of a broom handle.

Within minutes, two or three police cruisers arrived on scene and Civilian Witness 4 disconnected her phone call with the 911 call taker.

Civilian Witness 4 was not sure if the Affected Person walked off the veranda just before or just after the officers arrived. The Affected Person walked quickly towards the officers' cruisers with the metal rod brandished over the right side of his head. He was holding it with two hands. The

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three officers exited their cruisers and were grouped on one side of one of their cars. The cruiser door was open. The Affected Person continued to walk towards the officers.

The witness' car windows were up and she could not hear any conversation between the officers and the Affected Person. When the Affected Person was less than five feet from the officers, Civilian Witness 4 heard two or three consecutive shots. The Affected Person fell backwards. He may have stumbled before the second shot was fired. At some point, the Affected Person got back to his feet. She thought he might have been assisted to his feet. She observed blood on his legs. He went back down to the ground and was handcuffed with his hands behind his back. The officers covered the Affected Person with a yellow blanket.

Civilian Witness 5

Civilian Witness 5 lives on Dring Street and was home with his wife when this incident occurred. The witness was interviewed by SIU investigators on December 10, 2013. The following is a summary of that statement.

Civilian Witness 5 was in his kitchen standing at the sink and his wife was by the front door. His wife began shouting, asking him what the banging was and what was going on outside. He did not hear anything because he had the tap running in the sink. His wife later informed him the banging had come from the house next door.

Civilian Witness 5 turned off the water and started walking towards his front door when he heard the sound of one gunshot. He looked out the front door window and saw the Affected Person slumping over and stumbling in the middle of the roadway. He had not heard any police commands being shouted.

A Durham Regional Police cruiser was parked on the street blocking the witness' driveway. He observed a second cruiser backing away in a northerly direction from the Affected Person on the ground. He felt that one of the officers had something in his hand but he could not tell if it was a pistol.

Two officers moved towards the Affected Person and were rendering first aid. One of the officers placed a sheet over the male. The witness and his wife stepped out onto their front porch, but were told by an officer to go inside. The Affected Person was lying on the roadway, moaning.

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Civilian Witness 5 observed an officer speaking on his radio and about five minutes later an ambulance arrived on scene. Civilian Witness 5 and his wife watched from a second floor window and saw the Affected Person being transported away by the ambulance.

Civilian Witness 6

Civilian Witness 6 is the wife of Civilian Witness 5 and lives on Dring Street. She was interviewed by SIU investigators on December 10, 2013. The following is a summary of that interview. Her daughter was present during the interview to assist with any language issues.

Civilian Witness 6 was in the washroom on the ground floor at the southwest corner of the residence. She was washing her hands and heard banging outside the window. The blinds were closed and she could not see out. It sounded like someone was trying to break into her neighbour's house. She did not hear any voices or shouting.

Civilian Witness 6 came out of the washroom and heard what she thought was a gunshot. She advised her husband, who was in the kitchen, and then looked out the front door. A naked male (the Affected Person) was standing in the middle of the street. Two uniformed officers were close to the curb on the other side of the street and a police cruiser was just north of her driveway. The officers were about eight feet from the Affected Person. She did not see which officer fired a shot, but three seconds after she heard the first shot a second was fired. The second shot caused her to bend down below the window because she was afraid of being hit.

The Affected Person was standing facing the officers and both his hands were holding the left side of his stomach, covering his wound. She heard a police officer state, "Go down! Go down!" The Affected Person slowly went to the ground. She did not see anything around the Affected Person or in his hands.

One of the police officers went over to the Affected Person and put a hand on his stomach and said, "You are okay. Don't worry, you will be fine." The officer was comforting him. The Affected Person was bent over moaning in pain.

Civilian Witness 6 had an unobstructed view of the roadway in front of her house. There is a small tree but it did not block her view. There were two police vehicles, a cruiser and an SUV. The slimmer officer was on the left side of the Affected Person and the heavier officer was on the right side.

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The witness saw a black pick-up truck before and after the shooting, but she did not see the person inside. The pick-up was parked just north of her residence. She believed the person in the pick-up truck saw everything. She felt he may have been an undercover police officer.

A few moments after the male was on the ground an ambulance came and took him away.

Civilian Witness 6 went outside her home for a better look, but her husband and a police officer told her to go back inside.

Civilian Witness 7

Civilian Witness 7 lives on Unsworth Crescent. The morning of this incident she was a passenger in her mother's car. She was interviewed December 2, 2013, by SIU investigators. The following is a summary of her interview.

That morning, she and her mother had pulled out of their driveway and approached the intersection at Dring Street and Unsworth Crescent and stopped, facing westbound. They were about to turn northbound on Dring Street when her mother abruptly stopped the vehicle. Civilian Witness 7 observed several police vehicles stopped on Dring Street about 10 metres north of Unsworth Crescent. One police vehicle, an SUV, was parked on the east side of Dring Street and other cruisers parked north of the first set of cruisers.

There were four to seven uniformed officers standing between the two sets of cruisers about 30 metres north of the witness' location. The officers appeared to be surrounding something light coloured that was crouched on the roadway. Civilian Witness 7 estimated that between one or two seconds after seeing the officers, she heard two consecutive gunshots. She could not tell if police had shot at a person or an animal. At least two of the officers had their guns drawn and her view was obstructed by some of the officers crouched around what was on the roadway.

The witness was not wearing her prescribed glasses at the time of the incident and admitted to being confused. She did not recall anyone running prior to the shots being fired.

Her mother advised her that the shots had been fired at a naked person. Her mother reversed the car back a little and they sat in the car and cried. After approximately 10 minutes, her mother reversed the car back into their driveway.

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Several more cruisers and an ambulance arrived on scene. A female officer and a male officer approached a cruiser parked on the southeast corner of Dring Street and Unsworth Crescent. They placed items in the trunk and then the male officer stated that he would sit in the rear seat because he had blood on his clothing. The male officer was 27 to 45 years of age, had a fair complexion with dark facial hair.

Civilian Witness 7 and her mother approached an officer and advised that they had witnessed the incident. The officer asked that they not discuss the incident and wrote down their contact information.

Civilian Witness 8

Civilian Witness 8 is the mother of Civilian Witness 7 and lives on Unsworth Crescent. She was backing out of her driveway with her daughter in the passenger seat on the day of the incident. The witness was interviewed by SIU investigators on December 2, 2013. The following is a summary of her statement.

As Civilian Witness 8 was backing out of her driveway, she observed two Durham Regional Police (DRP) vehicles drive northbound on Dring Street from Williamson Parkway. She drove westbound on Unsworth and stopped at Dring Street. She started into her right turn and stopped because she saw three or four DRP vehicles parked on Dring Street and a naked man running into the street. The Affected Person was running from the east side of the street towards the west side. He was running towards three officers on the street. He ran behind a parked cruiser and she lost sight of him.

The witness observed two officers standing side by side about six feet apart, on the west side of Dring Street with their guns drawn. She heard “Bang! Bang!” and realized the Affected Person had been shot. At the sound of the shots, she could not see the two officers on the west side of the street and she believed they had gone to the Affected Person’s aid. She believed only seconds passed from when she saw the Affected Person running to the two shots. She did not know which officer fired the shots.

Civilian Witness 8 was about twenty-five feet from the shooting and she did not see anything in the Affected Person’s hands. Her vehicle windows were closed and she did not hear any police commands. Her daughter asked what happened and she advised her that the police had just shot the man.

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The witness sat in her vehicle with her daughter for about five to ten minutes and they cried. Neither she, nor her daughter looked back to the area of the shooting because they were too upset. As they sat in their car, more officers arrived and set up crime scene tape.

Eventually, Civilian Witness 8 reversed her car back to her driveway. An officer approached her and she gave him her name. He instructed her to go into her residence and the police would contact her for an interview.

Civilian Witness 9

Civilian Witness 9 lives on Dring Street and was home during this incident. She was interviewed on December 2, 2013, by investigators from the SIU. The following is a summary of her statement.

Civilian Witness 9 was about to leave her house with her two young daughters when she heard an angry male screaming close to her front door. It sounded like the male was yelling, "Hey! Hey! Hey!" She heard what she believed to be pounding on doors and the garage door. She went upstairs and looked out. She saw a naked male (the Affected Person) screaming frantically. She did not see anything in his hands.

The Affected Person was coming from between her house and her neighbour's house. She did not see any police officers. Civilian Witness 9 ran downstairs and called 911. She spoke briefly to an operator and then the police arrived.

After hanging up, Civilian Witness 9 started to go upstairs. She heard screaming and then "Bang! Bang! Bang!" She looked out the window and the Affected Person was on the ground on his side in the middle of the road, directly in front of her neighbour's house. Three police officers were around him. The officers put a yellow blanket over him.

An ambulance arrived about a minute after she saw the Affected Person on the ground. The ambulance took the Affected Person away and police put yellow tape around the area.

Civilian Witness 10

Civilian Witness 10 is employed at a Chiropractic Clinic and was working the front desk on the day of this incident. She was interviewed by SIU investigators on December 2, 2013. The following is a summary of that interview.

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While at her desk, Civilian Witness 10 heard people screaming outside of her office. The screaming appeared to be coming from the daycare centre, which was next door. A patient stated that there was a naked male outside.

The witness went to the front window and looked outside. She observed Affected Person, who appeared to be walking with a purpose. He was walking eastbound on the south side of Williamson Drive. The witness phoned 911.

A few minutes later, the Affected Person ran westbound on the north side of Williamson Drive. As he ran, he covered his genitals with his hand. He ran up Dring Street and did not have any objects in his hands. A male driving a black pick-up was following him. Two to three minutes after the Affected Person ran up the street, two to four police cruisers drove by the clinic towards Dring Street.

The witness did not hear any shots fired. She went up the street with Civilian Witness 11 and reported to the police what she had observed.

Civilian Witness 11

Civilian Witness 11 owns the Chiropractic Clinic and is a doctor. She was working the day of this incident and was interviewed by SIU investigators on December 2, 2013. The following is a summary of that interview.

Civilian Witness 11 was standing in the reception area, when a patient came into the clinic and advised there was a naked male outside. She looked outside and saw Affected Person walking eastbound on Williamson Drive and she asked Civilian Witness 10 to call the police.

Civilian Witness 11 went outside and observed the Affected Person continue eastbound and then go southbound on Westney Road and out of her sight. She went back inside and resumed seeing patients.

A short time later, she heard screaming coming from the front of the clinic. She went outside and found teachers and child care workers from the learning centre next door yelling that there had been a naked man. She observed the Affected Person now walking in a northwest direction across Williamson Drive from Westney Road, then turn down Dring Street. A black

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pick-up truck appeared to be following the male. One or two minutes later the witness saw two police cruisers drive northbound on Dring Street.

A patient informed her a short time later that the police had shot the man. Civilian Witness 11 never saw anything in the Affected Person's hands and he did not say anything.

Civilian Witness 12

Civilian witness 12 lives in the neighbourhood and was returning home by bus when this incident occurred. She was interviewed by SIU investigators on February 27, 2014. The following is a summary of that interview.

On the day of the incident the witness was on a Durham Transit bus, returning home. She got off the bus at the corner of Westney Road and Williamson Drive. As she walked south on the west side of Westney she saw a man running north on Westney on the west side of the street. He was about a block away. She thought he was wearing a tight runner's outfit but as he got closer, about 36 feet away, she realized he was naked. He was not familiar to her.

The man was jogging on the spot, looking around, moving forward, and then jogging on the spot again. There was nothing in his hands. There were three bystanders in their vehicles, two cars and a huge truck. She assumed someone had called the police so she did not. The vehicles were on the east side of Westney Road, travelling northbound and parallel to the naked man. No one spoke to the man.

The man in the truck was filming the man. She did not see any police cruisers or police officers or pedestrians.

The witness continued south on Westney Road, crossed Williamson Drive and walked over the grass to Tozer Crescent. She stopped at this point and watched as the naked man passed her on the other side of the street. She took two picture of the man but deleted one because he was too far away.

The man had a blank look on his face, he looked lost and confused. It was like he didn't realize it was cold outside. She thought he was "crazy" She went home and told her sister what she saw. A few moments later she heard sirens.

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The witness learned that the man had been shot by police. She was contacted by the Toronto Star and she gave them an interview. She also forwarded them a copy of the picture she took.

She posted the picture online and her sister forwarded the picture to her twitter account. The family of the man contacted her sister and told her they were offended by her remarks. She apologised. Her sister provided the witnesses' contact information to the family. The family contacted her three or four times.

Civilian Witness 13

Civilian Witness 13 lives on Dring Street and was home at the time of this incident. She was interviewed by SIU investigators on December 2, 2013. The following is a summary of that interview.

The witness was in the washroom in her home getting ready for school when she heard a male screaming, "Open the window! Open the window! Open the fucking door!" The screaming was coming from just outside her house.

She went to her grandparent's bedroom, which was situated at the front of the house facing onto Dring Street. The witness looked out the front window and saw a naked male banging with his hands on the driver's door of a black pickup. She thought the Affected Person was screaming for the driver to open the window along with some curse words.

The witness left the bedroom and returned to the bathroom. She came back to the bedroom window about five minutes later and saw the Affected Person was still at the side of the pick-up truck. The truck drove off northbound and the Affected Person approached a silver hatchback that was travelling north down Dring Street. He walked out in front of that vehicle and placed both hands up in the air signalling it to stop. She heard him yell, "Stop! Stop the car!" The car was driven by a female driver, who stopped her vehicle. The Affected Person went to the driver's side window and pounded on the glass, yelling at the driver to open the window. The car maneuvered around him and continued north on Dring Street. She did not recognize the car or driver as being from the neighbourhood.

The Affected Person walked into the driveway of a neighbour's house across from the witness' house. She saw the neighbour's red car parked in the driveway and she knew someone was in the car because the brake lights were on. The Affected Person banged on the driver's side

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window, yelling at the driver to get out or open the window. The car reversed out of the driveway and drove a short distance south on Dring Street.

The Affected Person went to the front porch of the residence and picked up a brownish patio chair and began hitting the front door with the chair. He picked up the chair over his head and banged it against the door. He was screaming, but she couldn't make out what he was saying. The witness believed the chair broke.

The driver of the red car was a short distance away and sounded the horn on the car. The black pick-up from earlier had returned and the driver was sounding his horn as well. She felt the pick-up driver was sounding his horn to direct the police to where the Affected Person was situated.

The police pulled onto the street in three marked cruisers. One of the cruisers was an SUV. The officer got out of the SUV and the Affected Person came towards him carrying part of a broken metal chair. The officer was at the back of the SUV and he yelled at the Affected Person to drop the weapon. He did not have his firearm drawn when he yelled.

The Affected Person banged with his fists on his chest; he shouted something, picked up his pace and continued with a determined walk towards the officer in a threatening manner. He had the piece of metal in his left hand extended over his head. The witness thought that if the Affected Person continued walking, he would hit the police officer. She felt that the piece of metal could not be mistaken for a firearm.

The officer retreated behind the SUV and drew his firearm. He shouted at the male, "*Drop your weapon! Drop your weapon!*" A second officer got out of his cruiser and also drew his weapon. He took cover behind his vehicle and yelled at the male to drop his weapon. She did not see what the third officer did.

The Affected Person continued to walk towards the police officer and went to the side of the vehicle. He was about seven feet from the officer when she saw the officer take one step back and she heard a shot fired. The Affected Person stopped momentarily and then continued to walk towards the officer with the metal rod in his raised left hand. She heard the second shot and the Affected Person walked two feet to the centre of the road and fell to the ground on his right side with the metal piece still in his hand. Civilian Witness 13 estimated that the Affected

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Person was six feet from the officer when the second shot was fired. The officer was still backing away.

Civilian Witness 13 believed it was the officer at the SUV who fired the shots. The other officer with his gun out did not fire any shots.

The other officers approached the Affected Person and Affected Person released the metal pole in his hand. The officers took the metal piece away. They covered him with a blanket and put pressure on his wounds. The ambulance arrived ten minutes later.

Civilian Witness 14

Civilian Witness 14 lives on Dring Street and was home at the time of this incident. She was interviewed by investigators from the SIU on December 2, 2013. The following is a summary of that interview.

Civilian Witness 14 lives with her husband, son and granddaughter. The day of the incident, she was on the main floor at the back of the house watching television. At about 10:05 AM she went upstairs to use the computer in a front bedroom of the house. She was on the computer for about ten to fifteen minutes when she heard noises. The noises sounded like shouting.

A few minutes later she heard sirens. She looked north at an angle from her window and about five or six houses away she observed the left side of a naked male crouched down in the middle of the road. She saw two police officers approach the Affected Person from the west side of the road. She did not hear the officers say anything. One of the officers kicked a stick away from him. The stick was black or brown and three feet in length. She did not see the stick in the Affected Person's hands but it was close to him.

One of the officers went behind the Affected Person and the other officer went to the back of the police cruiser that was farthest north from her house. The officer got a yellow plastic or cloth from the cruiser and covered him with it. The other officer got a black case (the size of a laptop) from his cruiser and brought it to the Affected Person.

Civilian Witness 14 observed about five police cruisers and a black car. The black car stayed briefly and left.

The witness did not go outside to see what was happening.

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Civilian Witness 15

Civilian Witness 15 resides on Dring Street and was sitting in her living room when this incident occurred. She was interviewed on December 2, 2013, by investigators from the SIU. The following is a summary of her statement.

The witness heard what sounded like two gunshots. She heard a shot, a pause then the second shot. She did not hear any shouting prior to the shots.

She looked out her front window and saw a male sitting in a black pick-up truck. He appeared to have a cell phone in his hands and appeared to be recording something.

The witness went to a second floor window to look out. She saw a naked man lying on the roadway. She could see blood on the man's legs.

There were three Durham Regional Police cruisers and an SUV parked on the street. There were four or five officers standing around the Affected Person. None had their firearms out. One of the officers appeared to have blood on his hands.

The witness stayed in her window for about two hours watching the scene.

Civilian Witness 16

Civilian Witness 16 works at the Smart Learning Centre on Williamson Drive. She was at work during this incident and was interviewed by investigators from the SIU on December 9, 2013. The following is a summary of that interview.

Civilian Witness 16 was in her office around 10:30 AM when she heard one of her employees shout that a man was walking southbound on Westney Road, naked.

She went out and saw a naked male run across Williamson Drive from Westney Road towards Dring Street and out of her sight. He was being followed by a male in a black pick-up truck.

A short time later, five or six police cruisers drove westbound on Williamson Drive and went north on Dring Street. Shortly after the cruisers turned onto Dring Street, the witness heard two gun shots in quick succession.

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Civilian Witness 17

Civilian Witness 17 is the sister of the Affected Person and the sister-in-law of the Complainant. She was interviewed by investigators from the OIPRD on two occasions. The following is a summary of those interviews.

At 10:27 AM, Civilian Witness 17 received a call from her sister in Minnesota advising that their brother had run naked from the house. She called DRPS to advise them she was the Affected Person's sister. Her other sister called other family members to try to organize a search for her brother. She was advised to wait and they would call back. She called back a couple of times and advised that she was going to drive from Mississauga to her brother's residence in Ajax. She was advised by a female on the phone not to come to Ajax and that she would call her back. At 12:07 PM, Civilian Witness 17 was called by the Complainant who advised that her brother had been shot by police and was in hospital in serious condition. On the way to Ajax, Civilian Witness 17 called DRPS back and spoke to the female officer she had spoken to just before noon. Civilian Witness 17 stated that she was upset and not very nice during that phone call. She learned via her cell phone, from the Complainant that her brother was going to be taken to St. Mike's Hospital in Toronto and she made her way to the hospital, arriving at 1:07 PM.

Soon after Civilian Witness 17 arrived at the hospital, the Complainant arrived. They were all placed in a quiet room by hospital staff. A short time later, investigators from the DRPS arrived and asked to interview the Complainant. The Complainant's sister (Civilian Witness 1) had accompanied the Complainant to the hospital and she was asked to leave the room, but Civilian Witness 17 was allowed to stay. Civilian Witness 17 recorded the interview on her cell phone.

At the time of the interview, Civilian Witness 17 was not aware of what the SIU was and that they would be investigating this matter. A short time into the interview, Civilian Witness 17 asked the officers if they needed a lawyer and she was advised that they did not. There was a knock at the door and two investigators from the SIU arrived. The SIU investigators called someone on the phone and then allowed the DRPS officers to stay. Civilian Witness 17 reported that she had a conversation later with an SIU supervisor and was advised that DRPS was allowed to stay because they were conducting a separate investigation into the domestic incident.

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Just after 4:00 AM the following morning, the Affected Person died. Civilian Witness 17 went home and slept for a short time. When she got up, she placed a call to the SIU and was on the phone to them when the Complainant called upset that DRPS had called the Complainant's niece and was asking to come by and pick up some security footage. Civilian Witness 17 relayed this information to the SIU and they called the DRPS. The SIU stated that they would get the DRPS out of the area of the Complainant's residence.

Civilian Witness 17 contacted the Ambulance Service and spoke to the supervisor. She was concerned that the ambulance reports stated, "*Trauma unknown.*" Civilian Witness 17 stated that the DRPS should have given the proper information to the ambulance. The first ambulance to attend to her brother provided "*basic care.*" She felt that had the ambulance dispatch had all the information, they would have sent an "*advance care*" ambulance. She was also concerned that they sent an urgent ambulance to her brother's residence for "*head trauma,*" yet no one at the residence was injured. She also felt that the second ambulance was sent to the residence to make the Affected Person look "*violent and crazy*".

Civilian Witness 17 was also upset because she had spoken to witnesses who told her that her brother was lying naked on the roadway and the three police officers were standing talking and not attending to her brother.

Civilian Witness 17 had hospital reports from the Affected Person's visit to Rouge Valley Hospital. The report stated that he arrived at the hospital at 10:50 AM, his wife was present and had been notified and that her name was Mary Ellen (this was not her correct name). The form stated he had "*zero meds, zero allergies*" and that the Affected Person was often combative and confused. Civilian Witness 17 stated that the Complainant was not allowed to go to the hospital until after 12:00 PM. Her brother was on anti-seizure medications, but was given a medication at 11:15 AM at Rouge Valley that he shouldn't have been given because it would have a reaction to his ant-seizure meds. The hospital would have done this based on the erroneous medical information on their records. Civilian Witness 17 believed that the police provided the erroneous medical information.

Civilian Witness 17 obtained medical records from Rouge Valley Hospital but not from St. Mike's. Civilian Witness 17 provided OIPRD investigators with the audio recording of the DRPS interview at the hospital. She has also provided OIPRD investigators with two pictures taken by

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witnesses, as well as some names of witnesses. Civilian Witness 17 also provided the ambulance reports to investigators.

Civilian Witness 17 was interviewed again by OIPRD investigators and she provided several e-mails, as well. She has conducted her own investigation and stated that she felt the first shot fired by the officer was from a distance of 30 feet. She has based this on her interview of Civilian Witness 4 and the fact that Civilian Witness 2 had the officer who fired the shots in his view when the shots were fired. She has a sister who is an engineer and that sister completed a scale diagram of the shooting. A copy of that diagram was provided to investigators.

Civilian Witness 18

Civilian Witness 18 Lives on Unsworth Crescent. She was not interviewed by the SIU but was identified by the family of the Affected Person and her name was provided to OIPRD investigators. The following is a summary of the statement she provided to OIPRD investigators.

Civilian Witness 18 was working from home on the day of the incident. Her home office is on the second floor at the rear of the residence. She heard some noise and looked out her rear window, which affords a view looking out through her neighbour's yard and between two houses on Dring Street. She has a very limited view of Dring Street. She saw nothing and returned to her work, but then heard sirens and went back to the window to look out. She saw a police officer pass between the houses on Dring Street walking towards Williamson Drive. He had his gun out. She heard inaudible voices then two shots in quick succession.

From her angle it was difficult to determine where on Dring Street the officer was walking, but she thought he was on the road. He was described as young looking with dark hair.

Civilian Witness 18 got in her car and drove around the corner onto Dring Street. She observed a male lying on the ground covered by a yellow blanket. He appeared to be moving his leg so she knew he was alive. There was a group of officers standing beside the Affected Person, talking. Only one officer appeared to be attending to him.

The witness felt that it was a very short time from when she heard the sirens to when the shots were fired; it was only seconds. There were two shots in quick succession. She felt that someone should have been negotiating with the Affected Person and in that short amount of

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time; it appeared to her that the police never even spoke to the Affected Person. She did hear some shouting, but couldn't make out what was said.

Civilian Witness 18 took some pictures when she drove around to the scene on Dring Street. At the scene, an officer asked for her name, but she did not provide it. In July of this year, the family was canvassing the neighbourhood and she told them what she had seen. She gave them copies of the pictures she took at Dring Street.

Civilian Witness 19

Civilian Witness 19 is the Acting Deputy Chief of the Durham Region EMS. He was interviewed by OIPRD investigators and the following is a summary of his statement.

Civilian Witness 19 stated that he has had conversations with the Affected Person's family members. He did not recall the specifics of those conversations.

Civilian Witness 19 explained that there are two classifications for ambulances: Primary Care Paramedics and Advanced Care Paramedics. The Advanced Care Paramedics have a few more skills that are usually for persons who are vital signs absent. The Advanced Care Paramedics can provide definitive airway control with an incubation tube, start IV's and give fluids, and carry drugs for treating vital signs absent patients.

He stated that Durham Region does not dispatch its own ambulances, the Ministry of Health dispatches for them. Ambulances are dispatched based on the closest ambulance, not their classification. An Advanced Care ambulance was dispatched to the Complainant's residence on Unsworth Crescent and a Primary Care ambulance was dispatched to Dring Street to treat the Affected Person. These ambulances would have been dispatched based on proximity. In his experience, he has never heard the police call for an Advanced Care or Primary Care ambulance; they call for an ambulance only. Even if they asked for an Advanced Care Paramedic, the ambulance would have still been dispatched based on proximity to the scene.

He stated that the police do not usually transmit medical particulars to expedite the ambulance; they just ask for a rush. This is standard procedure and keeps transmissions to a minimum.

Civilian Witness 19 explained that they used to provide first aid training to the DRPS front-line officers. He was advised that the officers on scene covered the Affected Person with a blanket

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and applied pressure to the wound. He stated this would be consistent with their training. The witness was advised the family felt that the Affected Person should have been lifted and blankets placed underneath him to protect him from the cold asphalt of the roadway. He stated that any wound in the torso area could affect the spinal cord and any movement could damage the spinal cord. He added that officers are trained not to move a victim unless there is an emergent or medical reason to do so. He would not have recommended that officers move the victim to place blankets underneath.

Civilian Witness 20

Civilian Witness 20 is the Instructor Supervisor for Active Canadian Emergency Training. They provide first aid training to police services across Canada and the DRPS in one of their customers. He was interviewed by OIPRD investigators.

Civilian Witness 20 was advised that the officers who treated the Affected Person put pressure on the gunshot wounds and covered the victim with a blanket. He was informed that the family felt the officers should have provided more care and that the victim should have been moved and covered in blankets instead of being left on the cold ground, naked.

Civilian Witness 20 explained that he prepared the syllabus for first aid training for DRPS and a power point presentation. In his opinion, the officers' actions were consistent with the training his company provided. They are trained to put pressure on a wound to stop any bleeding and to provide warmth, i.e. a blanket to slow the effects of shock. The officers are trained not to move a seriously injured victim unless it is required for medical reasons or an emergent reason. This is to prevent further injury. He would not have recommended moving the victim in order to place blankets under him and felt the officers' actions were consistent with their training.

Civilian Witness 21

Civilian Witness 21 is a caregiver for the Complainant's elderly father. She was interviewed by OIPRD investigators.

On the day of this incident, she received a phone call at her residence from the Complainant asking her to come to her home to look after her father because her husband had been arrested. She drove to the area of the residence and found the streets were blocked off by police. She parked a short distance away and walked towards the residence. A police officer stopped her and she advised him of the reason she was going to the residence.

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When she arrived at the front of the residence, the Complainant was coming out the front door with two police officers. The Complainant screamed at her “*Michael was shot.*” She entered the residence and went upstairs to attend to the Complainant’s father.

The father slept for a while and she prepared him lunch. She looked out the front window periodically and could see that police were guarding the house. She went upstairs and began feeding the Complainant’s father lunch. She was half way through lunch when she heard a knock at the front door. She could not go down to answer the door until she lowered the Complainant’s father’s bed and put the lunch aside. While she was doing this, the pounding on the door continued and then the phone started ringing. She decided to go to the door first.

When she opened the door there were three officers standing there. One of them was on his cell phone and he asked why she had not answered the phone. She was going to explain but they brushed by her and continued into the house. They went directly upstairs. One of the officers was the one who had been guarding the house. The other two officers seemed to be in charge of him. She went upstairs and asked them not to go into the Complainant’s father’s room because he had dementia and it would upset him. They went into the Complainant’s bedroom. She returned to feeding the Complainant’s father.

While she was feeding the father she could hear the clicking and flashes of a camera in the Complainant’s bedroom. She could also hear drawers opening and closing. She did not see the officers searching any drawers or other areas, but believed that this is what they were doing.

The actions of the officers made her very afraid and she went downstairs. The officers came down and then went into the basement. They were down there for about five minutes and then came up and left the house without any further conversation.

The Complainant stated that the officers never explained what they were doing in the house. She never refused them entry or asked them to leave. She was too afraid.

Civilian Witness 22

Civilian Witness 22 is a paramedic for Durham Emergency Services. He attended the Complainant’s residence on December 2, 2013. He provided a statement to investigators from the OIPRD.

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He was asked if he remembered any discussions between the Complainant and police about the Affected Person's medications. He had no recollection of this call for service. He is named on the ambulance report as one of the attending paramedics, but he did not recall the incident.

Civilian Witness 23

Civilian Witness 2 is a paramedic and works for Durham Emergency Services. She attended the Complainant's residence on December 2, 2013. She provided a statement to investigators from the OIPRD.

She recalled attending the complainant's residence and stated that the Complainant had no injuries and refused medical attention. She did not recall any conversations at the residence.

Witness Officer #1 – Sergeant Stephen Devries #3120

Sergeant Devries provided a statement to the SIU on December 2, 2013 and was interviewed by investigators from the OIPRD. The following is a summary of those statements.

Sergeant Devries has been a member of the Durham Regional Police Service since 2002 and was a member of the Toronto Police Service for four years prior to that. He was on duty from 4:30 AM to 4:30 PM on December 2, 2013 and was working as a patrol sergeant. He wore a full police uniform with all of his use of force equipment and he drove alone in a fully marked police SUV.

At 10:07 AM, he was on routine patrol in the area of Brock Road and Taunton Road when he heard a radio call advising of a domestic incident at 59 Anstead Crescent in Ajax. He later learned that Communications had made an error in the address and the actual address should have been 59 Unsworth Crescent, Ajax. Information from the Communications Centre was that the caller's brother (the Affected Person) was assaulting her and her sister in the residence and the Affected Person had fled the house and went out into the street. Sergeant Devries heard several police units responding to the call, specifically Constable Torcivia, Constable Taylor and Constable Griffin. He heard that the Communications Centre also received a number of citizens calling 911 regarding a naked man running in the area of Westney Road and Rossland Road. Sergeant Devries headed to that area to assist and supervise.

He realized there was some confusion over the location of the call, in that Anstead Crescent is not in the vicinity of Unsworth Crescent. He went on the radio and instructed Constable Torcivia

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and Constable Griffin to re-route and attend the Anstead Crescent address to ensure all was in order there. He also directed Acting Sergeant Dunlop to attend the Anstead Crescent with them. Via radio, he directed Constable Williams and Constable Taylor to continue on to the Rossland Road and Westney Road area and advised them he would also attend there. Moments later, Constable Torcivia advised all was in order at 59 Anstead Crescent. Sergeant Devries ordered all units to attend the Westney Road and Rossland Road area.

Sergeant Devries outlined that at 10:12 AM, the Communications Centre advised that the Affected Person was walking southbound on Westney Road towards Rossland Road, and that he was a male, white, with a shaved head and a medium frame. Further information was that he was “*severe MHA*” and “*aggressive towards police.*” He heard additional updates on the radio regarding the Affected Person’s whereabouts, including a driver in a black pick-up truck who reported the Affected Person cutting through a plaza. A few minutes later, at 10:19 AM, information was received by radio that a citizen (Civilian Witness 4) saw the Affected Person outside of her house at 7 Dring Street and that he was banging on her car window. Further information came in that the Affected Person had picked up a rock and then a table.

Sergeant Devries said he then heard an officer, whom he believed was Constable Taylor, ask for radio silence. Shortly after that, at 10:23 AM, he heard Acting Sergeant Dunlop order an ambulance to the scene at 20 Dring Street and put a rush on the ambulance. Acting Sergeant Dunlop also requested the Duty Inspector to contact him immediately. This heightened his awareness of the call and he confirmed the location over the air.

Sergeant Devries arrived at the scene at 10:26 AM. When he arrived, he saw Constables Taylor’s, Williams’ and Brown’s police vehicles, in that order, parked one behind the other facing northbound on the east side of Dring Street opposite 20 Dring Street. He parked his SUV on the east side of Dring Street south of Unsworth Crescent. Acting Sergeant Dunlop was standing in the middle of the road opposite 20 Dring Street. Sergeant Devries went to him and asked if this was a police shooting, which Acting Sergeant Dunlop confirmed. Acting Sergeant Dunlop also informed him that Constable Taylor was involved in the shooting.

Sergeant Devries updated the Communications Centre to request the Duty Inspector and put another rush on the ambulance. He assessed the scene and detailed numerous officers to close down the streets in the area and to secure the scene, including putting up police crime scene tape around the scene. Sergeant Devries observed Constables Brown and Williams

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kneeling beside a nude male, who was lying on the road in front of the driveway of 20 Dring Street. The Affected Person was lying on his back in the road with his head facing to the west and his feet to the east. He was covered in blood and was yelling loudly, incoherently. The Affected Person was being actively resistant with the officers and was flailing his arms around. Sergeant Devries noted he did not see the Affected Person handcuffed at any time. Constable Brown was trying to apply pressure to a wound. He advised the officers that if the Affected Person continued to struggle, they could handcuff him so they could provide adequate medical care.

Acting Sergeant Dunlop told him that the Canine Unit's Constable Wright was going to drive Constable Taylor to 19 Division. Sergeant Devries went to Constable Taylor, who was seated in Constable Wright's SUV, and asked him if he was okay. Constable Taylor said he was. Sergeant Devries instructed Constable Taylor not to talk to anyone and to go to the station and isolate himself from everyone.

Acting Sergeant Dunlop advised him that the Affected Person had been armed with a metal pole and that he had run at Constable Taylor with it. Sergeant Devries saw a metal pole lying on the driveway of 20 Dring Street at the roadway at least 2 meters away from the Affected Person. The pole was approximately three feet long and seemed to be a leg from a patio table. He saw the black pick-up truck and a red vehicle parked on Dring Street and Acting Sergeant Dunlop told him they were witnesses to the incident. He directed Acting Sergeant Dunlop to isolate the witnesses and take them to 19 Division. He instructed Acting Sergeant Dunlop to get witness information from any other potential witnesses and transport them to 19 Division.

Constable Brown told him that the Affected Person had been shot by Constable Taylor after he ran at Constable Taylor with the metal pole. This had been witnessed by Constables Brown and Williams. Sergeant Devries instructed Constable Brown to go 19 Division and sequester himself and not to talk to anyone. Sergeant Devries saw that Constable Williams was in the back of the ambulance about to go to the hospital with the Affected Person and he immediately instructed Constable Williams to go to 19 Division and speak to no one about the incident. He then instructed Constable Craik to assist the paramedics and instructed Constable McLeod to transport both Constables Brown and Williams to the police station, to have no conversation with each other en route or at the station.

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Sergeant Devries reported that an ambulance arrived on scene and took over care of the Affected Person. It arrived in 2-3 minutes from when he put the rush on it over the air.

Sergeant Devries advised he observed two bullet casings on the roadway opposite 20 Dring Street's driveway. He also looked across to the east side of Dring Street and saw a similar patio table leg on the driveway of 7 Dring Street and a broken bistro table on the front porch of 7 Dring Street, almost directly across from 20 Dring Street, with the legs missing from it. He taped off the area, marked the patio table legs with pylons and placed plastic evidence containers over the shell cases on the road.

Sergeant Devries managed the scene until he was directed by Inspector Dmytruk to return to the station. He left at 12:55 PM, arriving at 19 Division at 1:15 PM. He completed his notes and this ended his involvement in the incident.

Sergeant Devries said that to the best of his knowledge, he had never dealt with the Affected Person before.

Sergeant Devries stated that in his opinion, Constables Williams and Brown provided medical attention consistent with their training. Their objective was to put pressure on the wounds to slow the bleeding.

Witness Officer #2 – Constable Corby Wright #650

Constable Wright provided a statement to the SIU on December 13, 2013 and was interviewed by OIPRD investigators. The following is a summary of his statements.

Constable Wright has been a member of the Durham Regional Police Service since 1999. He was a cadet with the Ontario Provincial Police for a year prior to joining the Durham Regional Police Service.

On December 2, 2013, Constable Wright was assigned to the Canine Unit where he worked in uniform. He worked a shift from 5:30 AM to 5:30 AM and was assigned to general patrol duties. He drove an unmarked SUV cruiser.

Constable Wright outlined that at 10:10 AM, he was on routine patrol in Whitby when he responded to a radio call about a domestic incident at 59 Unsworth Crescent, in Ajax. He advised that initially, his GPS incorrectly directed him to an address in the south end of Ajax.

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Once he realized the misdirection, he travelled northbound on Harwood Road, towards Williamson Drive. While en route, Constable Wright heard on the radio that the Affected Person had fled the residence naked and that he was known to be “*violent*” towards police officers.

When Constable Wright arrived at Williamson Drive, he heard a radio call for radio silence. He drove westbound on Williamson Drive to Westney Road and then northbound on Dring Street. At approximately 10:26 AM, he arrived at Dring Street, north of Williamson Drive. When he arrived, he saw three Durham Regional Police Service cruisers parked facing northbound. He saw the Affected Person lying on the road. Constable Williams was rendering first-aid with another officer he couldn’t see. The Affected Person was covered with a yellow first-aid blanket. He was not aware at that time that an officer had been involved in a shooting.

Constable Wright exited his vehicle and began to walk towards the scene when he was approached by Acting Sergeant Dunlop. Acting Sergeant Dunlop detailed him to transport Constable Taylor to 19 Division and to segregate him.

Constable Wright reported that he left the scene with Constable Taylor sitting in the front passenger seat of his vehicle. He said he did not ask Constable Taylor any questions about the shooting or what occurred; however, he did ask Constable Taylor if he was okay. They arrived at 19 Division at 10:36 AM and went to the first floor boardroom. Constable Wright asked Constable Taylor if he would like the Durham Regional Police Association contacted on his behalf and he stayed with Constable Taylor until the Association representative arrived. Constable Wright seized Constable Taylor’s duty belt, which contained all of his use of force options, and turned the belt over to Inspector Grant.

During the time they waited, they had a general conversation about co-workers and their families, and they watched some television until legal counsel arrived. He stated they did not have any conversation about the incident.

Constable Wright estimated he had been at the scene for approximately five minutes. He said he did not speak with anyone or canvas for witnesses. He advised he had not had any previous dealings with the Affected Person.

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Witness Officer #3 - Constable Bradley Dunlop #929

Constable Dunlop provided a statement to the SIU on December 2, 2103 and was interviewed by OIPRD investigators. The following is a summary of those statements.

Constable Dunlop has been a member of the Durham Regional Police Service since October 1995. Prior to that, he was a member of the Southampton Port Elgin Police Service for two years.

Constable Dunlop reported that on December 2, 2013, he worked as an acting sergeant during his shift of 4:30 AM to 4:30 PM. He wore his full police uniform and carried all his use of force equipment, including a Conducted Energy Weapon (CEW). Constable Dunlop reported that at 10:16 AM, he was at 19 Division (West Division) and heard on the police radio that there was a domestic call at 59 Anstead Crescent in Ajax. Information provided at that time was that a female caller reported her sister was assaulted by her husband and that he had fled the residence on foot without wearing clothes. He later learned that the address was identified in error by the Communications Centre and the correct address was 50 Unsworth Crescent, Ajax.

Constable Dunlop outlined that when he heard the first radio transmission he immediately marked himself on the call and proceeded to 59 Anstead Crescent. While en route, citizens were calling in to police to report seeing the Affected Person in the area of Rossland Road and Westney Road. Sergeant Devries came over the radio and advised he was also attending the call.

Constable Dunlop proceeded to the Rossland Road and Westney Road area. Additional information from the Communications Centre provided that the Affected Person was known to have *“extreme mental health issues and was aggressive towards police.”*

Constable Dunlop advised that just prior to his arrival, he heard an unidentified officer request radio silence and then ask for a rush to be put on an ambulance. Thirty seconds later, he arrived on the scene opposite 20 Dring Street in Ajax. He saw three marked police cruisers, an SUV and two cars, parked one behind the other opposite 20 Dring Street. He observed Constables Brown and Williams administering first aid to the Affected Person, who was lying on his back with his head pointing west. He was in the centre of the roadway opposite 20 Dring Street. The Affected Person was thrashing about and the officers were trying to give him first aid and apply pressure to his wounds, and they were talking to him and trying to calm him down.

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He saw Constable Taylor getting a blanket out of the back of his SUV. He observed a three foot length of tubular pipe, like what might be from a piece of patio furniture, lying at the foot of 20 Dring Street's driveway. It was in line with the Affected Person, who was in the centre of the road. The pipe was two or three meters to the west of the Complainant. He also saw one shell casing lying on the road to the west of the Affected Person.

Constable Taylor was standing nearby and Constable Dunlop asked him what happened. Constable Taylor replied that he had shot the Affected Person because he came at him. He asked Constable Taylor if he was okay and Constable Taylor said he was. Constable Dunlop observed Constable Taylor appeared "*a little shaken up.*"

An unmarked canine police vehicle arrived and Constable Dunlop walked Constable Taylor over to the canine officer, Constable Wright. He told Constable Wright to take Constable Taylor to 19 Division and instructed him that they were to have no conversation with each other.

An ambulance arrived on scene and took over care of the Affected Person. Constable Dunlop directed Constable Williams to stay with the ambulance and the Affected Person and go to hospital with them; however, Sergeant Devries arrived on scene a few seconds later and Sergeant Devries detailed Constable Williams to go to 19 Division and not go in the ambulance, as he was likely going to be a witness officer to the incident.

Constable Dunlop advised that he attended the Complainant's home at 59 Unsworth Crescent and informed the Complainant and her sister, Civilian Witness 1, that the Affected Person had been shot and was en route to hospital. He then returned to the scene and assisted Sergeant Devries with scene security. He reported that he did not participate in taking any witness statements at the scene, nor did he seize any exhibits.

The officer stated that in his experience, no one calls for a primary or advanced care ambulance. While he is aware of the difference, when officers call over the air for an ambulance, the nearest one is sent regardless of the type of ambulance. He also stated that they do not go into details of the situation over the air. If an officer asks for a rush on the ambulance, then this is considered enough of a notification to make the police dispatch and the ambulance dispatch aware of the urgency.

It is his opinion that Constables Williams and Brown were applying adequate medical aid that was consistent with their training.

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Constable Dunlop said he returned to 19 Division at 12:03 PM and completed his notes. To the best of his knowledge he had never dealt with the Affected Person prior to December 2, 2013.

Witness Officer #4 Constable Jermaine Griffin #3665

Constable Griffin was working in uniform patrol the day of the incident in uniform in a marked cruiser. He provided a statement to SIU investigators and was interviewed by investigators from the OIPRD. The following is a summary of those interviews.

Constable Griffin was dispatched to the original domestic call and was sent to the area of Anstead Crescent. The call information initially stated that the suspect was beating his sister. It was then updated with the information that the suspect was beating his wife's sister. The suspect was identified as the Affected Person and the call indicated that he had run from the residence naked and was running in the neighbourhood. The address was updated to the Unsworth Crescent address of the Complainant. The officer arrived at the residence at 10:36 AM.

Constable Griffin spoke to the Complainant and Civilian Witness 1. He was assisted by Constable Torcivia. The two women were very upset and the Complainant was hyperventilating. He never received any medical information about the Affected Person from the Complainant and did not hear any other officer obtain any information.

The Complainant and Civilian Witness 1 were taken from the residence and driven to the hospital by Constable Torcivia. Constable Griffin remained outside the front door of the residence, seated in his cruiser. The Complainant's elderly father was in the residence with a caregiver.

At 3:06 PM, Detective Constables Lenaerts and MacLean attended the residence. They were from the Forensics Unit and were going to photograph and videotape the scene. Constable Griffin took them to the front door and introduced the officers to the caregiver. He did not hear the conversation between the officers and the caregiver. He remained in the front foyer while the officers photographed the residence. They photographed the front area of the downstairs, the stairway and then they went upstairs. The forensic officers exited the residence at 3:33 PM.

Police Witness #5 Constable Joe Torcivia #3475

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Constable Torcivia was working in uniform in a marked cruiser the day of this incident. He was interviewed by investigators from the OIPRD and the following is a summary of his statement.

Constable Torcivia was originally assigned to attend an address on Anstead Crescent, but it was corrected and he then attended the Complainant's residence. He assisted Constable Griffin at the residence. He tried to speak to the Complainant but she was distraught and at one point began hyperventilating. She fell into him and was having trouble breathing. He was concerned about her breathing and asked for an ambulance to attend as a precaution. He tried several times to gain medical information about the Affected Person and learned that he suffered from a brain injury. He asked about any medications the Affected Person was on but the Complainant was distraught and could not provide any information.

When the ambulance arrived, the two attendants also tried to obtain information about the Affected Person's medications and medical history. The Complainant was unable to provide any information.

He did transmit over the radio that the Affected Person had a brain injury, had scar tissue in his brain, he was feeling ill and had a high fever. He never transmitted any information about medications because he was unable to obtain it.

Police Witness #6 Constable Brian Detlor #3657

Constable Detlor was working in uniform in a marked cruiser the day of this incident. He was interviewed by investigators from the OIPRD and the following is a summary of that interview.

Constable Detlor attended the scene of the shooting and assisted with identifying witnesses and taping off the scene. He was directed to Rouge Valley hospital by Sergeant Devries to assist Constable Craik.

At the hospital, he provided no medical information to the staff about the Affected Person and did not hear any other officer provide any medical information.

Summary of Statements – Respondent Officers

Respondent Officer #1 - Constable Brian Taylor #619

Constable Taylor provided a statement to the SIU on December 10, 2103 and was interviewed by OIPRD investigators. The following is a summary of those statements.

Constable Taylor has been a member of the Durham Regional Police Service since 1999. On December 2, 2013, he was working from 5:30 AM to 5:30 PM and he was working in uniform. He rode alone in a fully marked police SUV and carried all of his use of force options, which did not include a Conducted Energy Weapon (CEW). He advised he had just returned from Traffic Court in Whitby and was at 19 Division. He was assigned to a zone in the north end of Ajax.

He outlined that he was monitoring the radio when he heard either an unknown trouble call or a domestic call involving a naked male fighting with two women. The call occurred in the south end of Ajax, which was not his assigned zone. He heard two cars respond to the call and he did not feel it necessary to attend this call. A few seconds later, he heard an update on the radio advising that the naked male was seen walking southbound on Rossland Road.

Constable Taylor said he realized Rossland Road was in his zone and he felt there must have been some confusion on the original address. He had the Communications Centre mark him on the call and he drove to the location. He received another update that the Affected Person was seen at Westney Road and Rossland Road. He saw on his Mobile Data Terminal (MDT) that the caller's address was on Rossland Road. He received another update that the Affected Person was seen at 1257 Westney Road and was cutting across a plaza.

Constable Taylor drove to the area, but did not see the Affected Person. He continued to drive in the area and while on Seager Avenue, updates came over the radio about the Affected Person being on a street that started with the letter "D." Constable Taylor advised he was not familiar with the street name. He looked at a map to locate the street but could not find it. He met with Constable Brown on Seager Avenue and they discussed the possible street name the update referred to. At that time, Constable Taylor updated his MDT and saw the street name was Dring Street. When he was almost at the scene, another update advised that the Affected Person was on Dring Street. Constables Taylor and Brown each drove their marked police cars to Dring Street, which was on the opposite side of Williamson Drive from their location.

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Constable Taylor did not recall if the Affected Person was ever identified on the radio by name or if any background information about him was provided over the radio, such as any mental health issues, being an Emotionally Disturbed Person (EDP), or that he was aggressive towards police.

Constable Taylor began driving northbound on Dring Street, when he noticed a female, just north of him, "*frantically*" waving at him from the driver's window of her vehicle just north of him. She was parked on the west side of Dring Street, facing southbound. He pulled up beside her and she said, "*He's over there*" as she pointed north. Constable Taylor asked her if she was referring to the "*naked man*" and she replied that she was.

Constable Taylor said he looked ahead and saw a black pick-up truck just north of him, stopped on Dring Street facing southbound. The male driver (Civilian Witness 2) was honking his horn and "*frantically waving his arms,*" and he pointed to the east side of Dring Street in the vicinity of 7 and 9 Dring Street.

Constable Taylor drove his SUV up to the pick-up truck's driver's window and Witness 2 shouted to him, "*He's right behind you! He's right behind you!*" He asked Witness 2 if it was "*the naked man*" and Witness 2 said it was. At the same time, Constable Taylor heard a sound like metal hitting metal or hitting masonry, similar to a pile driver at a construction site.

Constable Taylor said he turned in his seat and looked behind him, over his right shoulder. He had a difficult time seeing clearly outside due to the plexi-glass screen and cage in his vehicle, as well as the tinted window. He advised he could make out a male, who was naked from the waist up. He could not see him below the waist and could not see if he was armed.

Constable Taylor reported that he began to exit his vehicle and saw Constable Williams pulling up behind him in his police cruiser. Constable Williams' vehicle was facing northbound and he exited his cruiser. He later realized that Constable Brown was also there. As Constable Taylor exited his vehicle and rounded the rear driver's side of his vehicle, he saw a flash of movement from the east side of the street. He looked up and approximately ten to fifteen feet to his east he saw the Affected Person completely naked and with a "*very angry*" look on his face. The Affected Person was looking directly at him and was walking towards him. The Affected Person was shouting at Constable Taylor, "*Come on! Come on!*" with his face "*contorted*" and his eyes "*scrunched up.*"

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Constable Taylor saw the Affected Person was holding a three to four foot dark coloured or grey pole or rod, which he described as being like a spindle off a porch railing or from a wrought iron bird feeder. The rod was in a vertical position and the Affected Person held it in both hands in front of him like a baseball bat. He noted that the pole or rod seemed to have a slight bend in it. The Affected Person was situated at the east curb of Dring Street in between the curb and the roadway.

Constable Taylor stated he immediately thought he was going to get his head *“pummeled in”* and that the Affected Person was going to kill him with it. He drew his pistol and issued the police challenge, *“Police! Don’t move!”* The Affected Person remained standing with the pole and yelling, *“Come on! Come on!”* Constable Taylor ordered the Affected Person to *“Drop it! Get on the ground! Drop it! Get on the ground!”* He said his focus was entirely on the Affected Person in front of him, but he was aware that there was someone else nearby and he believed was one of the other officers also issuing the police challenge. He was unable to say who it was.

The Affected Person made no attempt to comply with the commands being given to him. The Affected Person suddenly took a step forward toward Constable Taylor. Constable Taylor said his immediate thought was, *“Don’t miss. I have to shoot because he’s going to drive that thing through my skull.”* He discharged his pistol one time and it appeared to have no affect whatsoever, as the Affected Person continued to come forward at him. Constable Taylor believed he might have missed with the first shot because it had no effect and the Affected Person continued coming towards him. Constable Taylor fired his pistol a second time. Constable Taylor could not comment on the amount of time between the first and second shot.

Constable Taylor advised that after the second shot, the Affected Person began screaming. He doubled over and went down to a kneeling position. There was blood on his abdomen. He began crawling across Dring Street, from east to west, while still holding onto the metal pole and banging it on the road. Constable Taylor continued to have his firearm aimed at the Affected Person.

At this point, Constable Taylor noticed Constable Brown and Constable Williams standing to his right a short distance away. Neither officer was equipped with a CEW. Constables Brown and Williams moved to a position behind Constable Taylor and they asked him to cover them while they were going to handcuff him. Constable Williams and Constable Brown approached the

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Affected Person and brought his hands around behind his back. One of them threw the pole away out of the Affected Person's reach. He could not recall which officer threw the pole away or the order in which the officers approached the Affected Person. He also said he did not actually see any officer handcuff the Affected Person.

At that point, Constable Taylor holstered his firearm and Constable Brown asked him to get an emergency blanket from his vehicle to cover the Affected Person, who was now lying naked in the roadway. Constable Brown directed him to get a blanket from the cruiser. He got a blanket and spread it over the Affected Person. He went to get a second blanket and spread that also. Constable Williams brought over a first aid kit. Constable Taylor advised he did not assist in performing first aid. Constable Taylor stated that he immediately called for an ambulance after he fired the shots. Constables Brown and Williams worked on the Affected Person.

Constable Taylor noticed, at this point, that the incident had occurred across from 20 Dring Street. He then saw Constable Dunlop, who was acting sergeant, arrive at the scene. Constable Taylor reported that Acting Sergeant Dunlop was equipped with a CEW; however, he arrived after the shooting occurred.

Acting Sergeant Dunlop told him he was going to be transported to 19 Division by the canine officer, Constable Wright, who had just arrived at the scene. Constable Taylor got into Constable Wright's vehicle and was transported to the police station. He said it was a matter of a few minutes from the second gunshot to when he was escorted to the police station. He advised he did not have any conversation about the incident with Constable Williams, Constable Brown, Constable Wright or any other officer that was at the scene.

Constable Taylor explained that consistent with his training, he did not consider any use of force option under these circumstances to be appropriate other than his firearm. He said there was no other suitable use of force option available to him that day, as he did not have a CEW and he was not certain it would have been effective or appropriate. He noted that if he had a CEW with him at the time of the encounter with the Affected Person, and had been trained in its use, he may have considered that use of force option in lieu of his firearm. In addition, as consistent with his training, a baton or pepper spray would not have been appropriate for the threatening circumstances. He noted he was concerned that had he tried to use OC spray, the Affected Person while blinded by the spray, may have struck him, other officers or Witness 2 in the pick-up truck with the metal pole.

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Constable Taylor stated that he called for an ambulance in the manner he always does. They do not ask for primary or advanced care ambulances. They just ask for an ambulance and if the injuries are serious they ask them to rush.

To the best of his knowledge, Constable Taylor said he had never dealt with the Affected Person prior to this incident.

Respondent Officer 2 - Detective James Leipsig #266

Detective Leipsig provided a statement to the SIU and was interviewed by OIPRD investigators. The following is a summary of those statements.

On the date of the incident, Detective Leipsig was partnered with Detective Moore. They were assigned to the Homicide Unit. Detective Sergeant Allan asked them to attend Rouge Valley Hospital to interview the Complainant and her sister about a Domestic Assault. While they were driving there, Detective Moore received a phone call and they were directed to St. Michaels Hospital. They arrived at the hospital where they found there were 10 to 12 family members in the quiet room with the Complainant. They identified themselves and advised they were assigned to interview the Complainant about the domestic incident only. The room was cleared and Civilian Witness 17 remained with the Complainant to offer support.

They started to conduct an audio interview when they were interrupted by an SIU investigator. He asked what was going on and they went outside the room to discuss it with him. They explained that they had permission through their manager to conduct the domestic investigation. The SIU investigator contacted someone by phone and confirmed this information. Detective Leipsig returned to the room with his partner and they continued the interview.

When they concluded the interview, they wanted to interview the Complainant's sister (Civilian Witness 1). There was no quiet place inside the hospital so they took her outside and conducted the interview in their van. The interview took ten minutes and was audio recorded.

They went back into the hospital and Constables Craik and Torcivia were waiting for direction. He spoke to Inspector Dmytruk and received direction to clear themselves and the two uniform officers.

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They attended West Division and spoke to Detectives Melnick and Detective Constable Samuels then attended the area of the scene on Unsworth Crescent. They never entered the scene on Dring Street or the residence on Unsworth Crescent. They met with Detective Constable Maclean and viewed some scene photos from inside the residence. This concluded their involvement.

Respondent Officer 3 Inspector George Dmytruk #155

Inspector Dmytruk was in charge of the Professional Standards Branch when this incident occurred. He was interviewed by investigators from the OIPRD and the following is a summary of his statement.

The day of the incident, Inspector Dmytruk received a call from Acting Inspector Nash advising him of the shooting. He then advised the Chief and the Deputy Chief. He also called the SIU and provided them with the details of the shooting.

At 11:17 AM, he left his office in Oshawa and attended West Division in Pickering. He arrived at West Division at 11:25 AM and was accompanied by Sergeants Romano and Inspector Grant. He spoke briefly to Constable Taylor, just to see if he was okay and then made some phone calls. He contacted Inspector Ross in the Major Crime Unit, advising him of the shooting and that he would be conducting a Section 11 investigation. He also advised that they would need to conduct a separate investigation into the domestic assault. He called Detective Sergeant Allan to arrange to have two detectives assigned from Homicide to assist with the domestic assault investigation. Detectives Leipsig and Moore were assigned to assist. He also checked on Constables Williams and Brown to determine if they were alright.

At 12:15 PM, he spoke to the lead investigator from the SIU. He informed him that there were 6 witnesses at the station waiting to be interviewed. He was advised that it would be twenty minutes until SIU investigators arrived at the station.

At 12:24 PM, he left the station with Sergeant Romano and went to the scene. When he first arrived, he was briefed by Sergeant Devries. He then met with the lead investigator from the SIU and the Director. They discussed who the involved officers were and their designations. He also advised them that the DRPS was conducting a separate investigation into the domestic assault and that he was directed by law and policy to conduct a Section 11 investigation.

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He directed Detectives Leipsig and Moore to attend the hospital to interview the Affected Person's wife and her sister. He also directed Detectives Melnick and Detective Constable Samuels to start the domestic investigation at the scene.

Inspector Dmytruk stated that he had the authority in law to conduct the investigation into the domestic assault and had an obligation to conduct the Section 11 investigation on behalf of the Service. He co-operated fully with the SIU and kept them apprised of what his officers were doing. In the SIU Director's final report it was indicated that the DRPS had co-operated fully.

Respondent Officer 4 Detective Joel Melnick #293

Detective Melnick was working with Detective Constable Samuels the day of this incident. He was assigned to the West division detective office. He provided a statement to the SIU and was interviewed by OIPRD investigators. The following is a summary of those statements.

The day of the incident, Detective Melnick was in the office and heard a call for a naked man running down the street. The air went quiet. He was then advised there had been a shooting and he was asked to attend the scene with Detective Constable Samuels. As he was leaving the station, he observed a female sitting in a room off the hallway. He asked her name and she identified herself as Civilian Witness 4. She briefly told him she was at the scene and witnessed the shooting. He advised her that someone would be attending to take a statement. He did not want to take a detailed statement from her because he knew that the SIU would want to interview her.

He arrived at the scene and Sergeant Devries and Acting Inspector Nash were present. Just after he arrived, Inspector Dmytruk and the SIU arrived. He went to the area of the boulevard where the Inspector and the SIU were discussing the incident. He and Detective Constable Samuels were detailed by Inspector Dmytruk to conduct the domestic investigation and do a canvass for witnesses. He conducted the investigation in accordance with DRPS policy LE-01-023, Criminal Investigation Management Plan. He attended the scene, conducted interviews, canvassed and documented the steps he took.

During the canvass, he stopped at a residence and a female answered the door. She stated that she did not live at the residence but her daughter did. The female advised that she was a

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sister of the Complainant. She provided some background information and a medical history for the Affected Person.

Detective Melnick was the officer in charge of the domestic investigation. He concluded the investigation the next day due to the death of the Affected Person. He was aware of the video tape that may have been at the niece's home, but his partner was dealing with that issue. While he spoke to the Complainant's sister, his partner interviewed the Complainant's niece.

Detective Melnick stated that he used to work in Professional Standards and was an SIU liaison officer. He is familiar with the DRPS policy with regards to SIU investigations and he complied with that policy. He was directed by Inspector Dmytruk to take the actions he did.

Respondent Officer 5 Constable Charlyn Craik #3565

Constable Craik provided a statement to the SIU and was interviewed by OIPRD investigators. The following is a summary of those statements..

Constable Craik heard the call in the area of Dring Street and responded to the area to assist. When she arrived, she observed a male on the ground in the middle of the road with a yellow emergency blanket over him. Constables Brown and Williams were kneeling over the Affected Person and one of the officers, she was not sure which one, had gauze in his hand. She started to tape off the scene, but Sergeant Devries asked her to assist with the medical treatment of the Affected Person. She had been a veterinary technician for fifteen years and had some medical training.

Constable Craik observed two injuries on the Affected Person. One of the injuries was to the upper chest and the second was in the lower abdomen. The injury to the abdomen was bleeding much more than the shoulder. She focused her attention to this injury. She asked his name and he stated, "Michael." She also asked him if he was on any medication and he stated that he wasn't. He advised he had no mental health issues. At times he was coherent and at other times he was confused and not making sense. He was thrashing around at times and he was not restrained in handcuffs.

The ambulance arrived and the attendants placed more bandages on the abdomen area and then placed the victim on a backboard. He was put in the ambulance. She was designated by Sergeant Devries to drive the ambulance to the hospital. This was to allow the two attendants

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to work on the Affected Person. While en-route, she heard an officer give out medical information for the Affected Person over the air. She did not know which officer it was. She provided this information to a triage nurse when they arrived at the Rouge Valley Hospital. She could not remember the exact information.

She remained in the ER while the staff worked on the Affected Person. Constable Torcivia arrived with the Complainant and Civilian Witness 1. After a short while, the Affected Person was airlifted to St. Michael's Hospital in Toronto. She drove the Complainant and Civilian Witness 1 to Toronto with Constable Torcivia.

She was relieved at the hospital by Detectives Leipsig and Moore.

Respondent Officer 6 Detective Constable Sean Samuels #3383

The day of this incident Detective Constable Samuels was partnered with Detective Melnick. He provided a statement to the SIU and was interviewed by OIPRD investigators. The following is a summary of those statements.

Detective Constable Samuels was in the office when this incident occurred and was detailed by Staff Sergeant Colquhoun to attend the area of the incident with Detective Melnick and provide assistance. When they arrived, they spoke to Acting Inspector Nash. He directed them to help maintain the scene and gather tombstone information from any witnesses.

Inspector Dmytruk arrived on scene and he directed them to conduct a domestic investigation. He asked that they canvass the area of the domestic on Unsworth Crescent. The SIU was conducting its investigation on Dring Street and Unsworth Crescent was around the corner. Detective Constable Samuels did not speak to the SIU and could not recall if they were present when Inspector Dmytruk gave them their orders.

He and Detective Melnick went back to the station to retrieve their recorders and returned to the scene. They started to speak to residents on Unsworth Crescent and at the third residence they met the sister and niece of the Complainant. Detective Constable Samuels interviewed the niece and Detective Melnick interviewed the Complainant's sister.

Detective Constable Samuels stated that the niece advised him she saw the police at her aunt's residence (the Complainant) and thought it was a problem with her elderly grandfather. She

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found out the problem was with her aunt's husband (the Affected Person) and she returned to her residence. She advised the officer that they had video surveillance on the outside of the residence, but she thought it was broken. She spoke to her husband on the phone about it and then advised the officer she thought it was broken. Detective Constable Samuels asked if a computer technician from the DRPS could look at the unit the next day and the niece agreed to this request.

The next morning, he called the niece to arrange for the technician to attend the residence. She agreed on a time between 10 AM and 2:30 PM. A short time later, Detective Melnick advised him that Detective Moore had called and advised them not to pursue the video and to not continue the investigation.

Respondent Officer #7 - Constable Mark Brown #3298

Constable Brown provided a statement to the SIU on December 2, 2013. He was also interviewed by investigators from the OIPRD. The following is a summary of both statements.

Constable Brown has been a member of the Durham Regional Police Service since 2003. He noted that he has been Mental Health Officer since 2005 and has experience dealing with persons with mental health issues. He also completed a Durham Regional Police Service training course in identifying characteristics of persons experiencing mental health issues.

Constable Brown advised that on December 2, 2013, he worked 6:45 AM to 6:45 PM. He was working in full uniform with all of his use of force options. He operated a marked police car and rode alone. He outlined that he was on patrol in the vicinity of Brock Road and Taunton Road at 10:07 AM when he heard a radio call advising of a domestic incident at 59 Anstead Crescent, in Ajax. He later learned that the Communications Centre had made an error in the street address and that the correct address should have been 59 Unsworth Crescent.

Constable Brown then heard that the brother of the 911 caller, Civilian Witness 1, was naked and assaulting his sister at that address, he had fled the residence naked and went southbound on Westney Road at Rossland Road. The name of the Affected Person was provided.

Constable Brown explained that when he heard the radio calls, he realized he was in the area of Rossland Road and Taunton Road and at 10:20 AM he asked to be marked on the call. He began to head to the location. While en route, further information came from the

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Communications Centre advising that the Affected Person was “*severe MHA*” and displayed “*aggressive behaviour toward police.*”

Also at this time, numerous 911 calls were received about a naked male running in the area. Information provided by callers was that a naked male was becoming more aggressive and was out front of 7 Dring Street in the Williamson Road and Westney Road area. Further information was received that the Affected Person was banging on a car window and that he had then picked up a rock. More information came in that the Affected Person banged on a residence window with a chair and then he had a table and was breaking a window.

Constable Brown reported that he, Constable Taylor and Constable Williams were in separate vehicles and drove northbound on Dring Street, one behind the other. Constable Taylor’s SUV was in the lead vehicle, followed by Constable William’s car. He was behind Constable Williams.

Constable Brown outlined that they all arrived out front of 7 Dring Street at 10:23 AM and they all parked facing northbound on the west side of the street. He advised there was no officer at the scene with a CEW. Constable Brown outlined that he immediately requested radio silence. Constable Taylor was two vehicles ahead of him and slightly north of 7 Dring Street. Constable Taylor was situated twenty to thirty feet from the Affected Person. Constable Taylor was north of Constable Brown, looking south towards the Affected Person, and Constable Brown was south of the Affected Person, looking north.

Constable Brown described that Constable Taylor exited his SUV via his driver’s door. Constable Brown did not exit his own vehicle, but looked ahead through his windshield and saw the Affected Person about twenty to thirty feet away on the porch of 7 Dring Street. The Affected Person was naked and was holding a three to three and a half foot long dark brown metal “*pole or bat,*” one in each hand and raised about waist level.

Constable Brown observed the Affected Person drop the pole that was in his left hand and held the other pole in both hands. He held it up towards his right shoulder in a “*baseball stance or grip,*” but it was not “*cocked*” over his shoulder. His hands were placed one above the other and were about one foot from the bottom of the pole. Constable Brown had not yet exited his vehicle and Constable Taylor was at the driver’s side of his SUV.

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Constable Brown advised that it appeared as if the Affected Person saw Constable Taylor and immediately “rushes” at him at a quickened pace described as slightly more than a “jog.” The Affected Person was closing the distance between him and Constable Taylor very quickly. The Affected Person was holding the metal pole in both hands, up above waist level approximately at his upper chest level in a “baseball batter’s stance.”

At this point, Constables Brown and Williams quickly exited their vehicles. Once out of his vehicle, Constable Brown could hear the Affected Person screaming something, but he could not understand what he was saying. Constable Taylor was at the driver’s side rear of his vehicle yelling commands at the Affected Person identifying himself as police and shouting commands at the Affected Person. He could not say exactly what commands Constable Taylor was shouting.

The Affected Person did not respond to Constable Taylor’s commands and did not stop or slow down. The Affected Person continued to advance on Constable Taylor “very fast.” Constable Taylor was at the back of his cruiser and began to slowly back up as the Affected Person advanced on him. Constable Brown observed Constable Taylor and the Affected Person were close to each other in the road but could not see their positions exactly. Constable Brown believed the Affected Person was going to strike Constable Taylor with force.

Constable Brown began moving to the front of his cruiser when he heard two gunshots, one immediately after the other. At that point, he observed that Constable Williams was at arm’s length to his left and had his service pistol drawn. Constable Brown moved towards the left front of his vehicle and was now at an angle to clearly see that Constable Taylor had his service pistol in his hands. He observed that Constable Taylor was approximately five feet from the Affected Person when the shots rang out. Constable Brown noted that up until this time, he could not clearly see Constable Taylor, as he was firstly in his cruiser and then was in the process of exiting his car and moving to the front of it while Constable Taylor was interacting with the Affected Person. Constable Brown noted that from the time the officers arrived at the scene to the time the Affected Person rushed towards Constable Taylor, it was approximately five seconds.

Once the shots rang out, Constable Brown observed the Affected Person go slowly down to the ground, to his knees then forward to his stomach still holding the pole in his right hand. He was talking but Constable Brown did not know what he was saying. Constable Brown saw that

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Constable Taylor and Constable Williams had their firearms in their hands and were issuing commands to the Affected Person. Constable Brown stated that at no time did he draw his firearm from its holster.

Constable Brown advised he ran up to the Affected Person, put him on his back and kept his legs raised, and took the pole from underneath him. He threw it to the west side of the street and took control of the Affected Person's hands by holding on to them. He said the Affected Person continued to be actively resistant and was shouting. Except for the word "*pain*," he could not understand any of what the Affected Person was saying as it seemed to be "*gibberish*."

Constable Brown asked Constable Taylor if he was okay. He ordered an ambulance and began to administer first aid to the Affected Person with the assistance of Constable Williams. Constable Williams asked for a rush on the ambulance. The Affected Person was not handcuffed. He was still actively resisting while Constable Brown tried to hold his hands and apply pressure on the wounds. Constable Williams came to assist him. Constables Brown and Williams continued to keep pressure on the two gunshot wounds, one to the right shoulder and one to the stomach, while holding his hands. Constable Taylor got an emergency blanket to them and Constable Brown placed it under the Affected Person's head. Constable Brown continued to talk to the Affected Person, telling him he was there to help him. The majority of bleeding was coming from the stomach wound. At some point they rolled him over slightly to see if the bullets had gone through.

Constable Brown stated that he provided medical aid consistent with his training. He did not put a blanket under the victim because he is trained not to move a person around too much because it could cause more serious injury. He is trained to put pressure on a wound to stop or slow the bleeding. In his experience, he has never heard an officer call for an advanced care ambulance. They request an ambulance and if the injuries are serious, they ask for a rush ambulance.

Constable Brown advised that an ambulance arrived and as time passed, the Affected Person became more cooperative. Other officers arrived on scene and Constable Craik assisted with applying pressure on the wounds and also by driving the ambulance while paramedics treated the Affected Person in the rear of the ambulance. He said Sergeant Devries arrived and instructed him to go to the police station and complete his notes and not to talk to anyone about the incident.

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Constable Brown reported that he left his bloodied gloves at the scene and he arrived at the police station at 10:53 AM. At 11:40 AM, he turned over his uniform and equipment to Inspector Grant.

Constable Brown explained that the Affected Person exhibited many signs he had seen before in persons with mental health issues, such as glossy eyes, not making sense and being naked. In addition, he was very dirty in appearance, with very poor personal hygiene, food and white pasty material around the sides of the mouth, indicating he was not taking good care of himself. He noted he would consider him 7/10 as to exhibiting mental health characteristics. To the best of his knowledge, he had not dealt with the Affected Person prior to this incident.

Constable Brown believed the Affected Person intended to cause grievous bodily harm to Constable Taylor, noting that in keeping with police training, the only appropriate use of force response for Constable Taylor was to utilize his service pistol. Other use of force options were not suitable as they had no CEW at the scene, they would not use a baton with someone wielding a weapon such as a pole like a bat, he was closing the gap on Constable Taylor so quickly that pepper spray would not be effective. The only option to stop grievous bodily harm was the firearm.

Respondent Officer #8 – Constable Jeffrey Williams #3460

Constable Williams provided a statement to the SIU and was interviewed by OIPRD investigators. The following is a summary of those statements.

Constable Williams has been a member of the Durham Regional Police Service since 2007. On December 2, 2013, he was working a day shift and he started at 7:45 AM. He wore his full police uniform and drove a marked police car.

Constable Williams outlined that on December 2, 2013, he heard radio calls regarding a domestic incident in which a naked man fled a residence on foot. There were several other radio calls reporting the man walking or running in an area near Westney Road and Williamson Drive. En route to the scene, he heard Communications broadcast that the Affected Person was “severe MHA” and “aggressive towards police.”

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Constable Williams drove southbound on Westney Rd and turned onto Williamson Drive behind Constable Taylor, who was in another marked police car. Constable Brown was behind him in a third police car.

Constable Williams reported that at 10:23 AM, all three officers turned north onto Dring Street and stopped in front of 7 Dring St., in a line facing north. He observed the Affected Person standing naked on the front porch of 7 Dring Street. He was holding metal pipes that appeared to be the legs of a metal patio table. Constable Williams explained that the Affected Person started to walk out the driveway walking west towards him in his vehicle. About three quarters of the way down the driveway, he dropped one of the metal pipes and continued to hold one. It appeared to be a leg off a table.

Constable Williams reported that the Affected Person held the pipe like a baseball bat, with two hands near the lower end and held two to three feet of the pipe above his right shoulder. The Affected Person looked right at him and turned towards him, walking directly toward Constable Williams' police car holding the table leg in a cocked fashion. Constable Williams feared the Affected Person might attempt to get into the car or smash the window, so he hastily locked the car doors and remained inside his vehicle. He noted the Affected Person was closing the distance between them "*quite quickly*," and within 5 seconds the Affected Person reached his car.

Just before the Affected Person reached the front corner of the car, he turned slightly around the front of his car and walked between his car and the front of Constable Taylor's vehicle. Constable Williams saw that Constable Taylor was exiting his vehicle and still had the driver's door open at the time. The Affected Person turned toward Constable Taylor and continued to walk toward him in a "*quick marching pace*" with the table leg "*cocked*" raised above his shoulder and held with both hands.

Constable Williams started to exit his vehicle and as he did so, he heard Constable Taylor yelling something in an "*authoritative*" voice, but he did not hear the words being said. He reported that within one or two seconds, he heard two gunshots. Constable Williams and the Affected Person were 6 to 8 feet from each other when the shots were fired. He observed the Affected Person stop and turn to his right, crouching over and holding his abdomen. Constable Williams saw blood coming from the Affected Person's abdomen and he was still holding the metal pipe and then was on top of it as he went to the ground.

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Constable Williams drew his firearm, walked to the centre of the street and pointed it at the Affected Person. He ordered the Affected Person to drop the metal pipe. The Affected Person fell forward in a crouch or curled position on his right side and did not release the metal table leg.

Constable Brown, who had been in the third police vehicle, came over to the Affected Person and pulled the table leg from his hands. He threw it across the road to the west side of the street. Constable Williams reported that the officers attempted to apply first aid to the Affected Person, but the Affected Person continued to thrash about and yell incoherent sounds. Officers tried to ask him what happened and what his name was. The Affected Person just looked around and at them, but did not say anything discernable.

Constable Williams went to two police vehicles to retrieve first-aid kits because he felt he needed extra bandage material. Constable Williams applied pressure with gauze dressing to the abdominal wound, as consistent with his training. The Affected Person was thrashing around and it made it difficult to apply consistent pressure. At one point, he was trying to put pressure on the stomach wound while Constable Brown held both of the Affected Person's arms, and the Affected Person was kicking his legs up in the air at them. The Affected Person got one of his arms loose and Constables Brown and Williams each took control of an arm in order to control the Affected Person. They continued to apply pressure while trying to hold his arms. He described it as a "battle" to keep control of the Affected Person and apply pressure to the wound.

Constable Williams advised he did not want to move the Affected Person, as he was trained to move someone as little as possible because movement could make the injuries worse or cause paralysis. Constable Williams advised that the Affected Person calmed down and told him the injury hurt and he was hot. The Affected Person provided his first name as Michael and this was the first thing he understood what the Affected Person was saying.

Constable Williams reported that paramedics and other officers arrived, including Sergeant Devries, Acting Sergeant Dunlop, and Constable Craik. Constable Williams said he was about to drive with the ambulance to hospital, but he was stopped by Sergeant Devries. Constable Craik was detailed to escort the ambulance and he returned to the police station.

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Respondent Officer #9 - Detective Rob Moore #830

Detective Rob Moore is assigned to the Homicide Unit. He provided a statement to the SIU on and was interviewed by OIPRD investigators. The following is a summary of those statements..

On the day of the incident, Detective Moore was working with Detective Leipsig. They were briefed by Detective Sergeant Allen and directed to attend the residence on Unsworth Crescent to assist in the investigation. While en-route to the scene, he received a call from Acting Inspector Nash directing them to attend St. Michael's Hospital to interview the Complainant and Civilian Witness 1.

At the hospital, they located the Complainant in a quiet room with several family members. The officers introduced themselves and showed their badges. The Complainant was advised that they were assigned to investigate the domestic assault and that they would like to interview her about that part of the investigation. The room was cleared of family members and a sister of the Affected Person (Civilian Witness 17) remained with the Complainant. They started the interview and were a few minutes into it when there was a knock at the door. A SIU investigator came in and asked what was going on. They went outside and explained that they had been directed to attend and the SIU was aware of what they were doing. The SIU investigator made a brief call and advised them to continue.

They completed their interview with the Complainant and then took Civilian Witness 1 outside to their vehicle and conducted a short interview.

Detective Moore stated that in his experience, it is not unusual for members of his unit to conduct parallel investigations at a major investigation with the SIU. He was directed to conduct the interviews and was following orders. In his opinion, they had a lawful duty to conduct the domestic investigation, and they were acting under a lawful order and complied with DRPS policy.

Respondent Officer #10 Detective Constable Ben Lenaerts #3070

Detective Constable Lenaerts is assigned to the Forensic Identification Unit. He was interviewed by investigators from the OIPRD. The following is a summary of that interview.

Detective Constable Lenaerts was teamed with Detective Constable MacLean and they were assigned to attend the scene on Dring Street and assist the SIU in gathering forensic evidence

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and photographing the scene. At the scene he took photographs behind the SIU forensic investigators with their permission.

They were directed by Detectives Leipsig and Moore to attend the Complainant's residence and photograph the scene of the domestic assault inside the residence. Constable Griffin was outside the residence. He took them to the front door and introduced them to the caregiver (Civilian Witness 21). They explained that they were there to take photographs of the scene. The caregiver explained that she was looking after the Complainant's elderly father and he would be agitated if he saw them in uniform. She dealt with him and they then began photographing the main floor, the stairway, the upstairs master bedroom, master bathroom and the landing at the top of the stairs. Detective Constable Lenaerts video recorded the scene and Detective Constable MacLean took photos.

Detective Constable Lenaerts stated that he entered the residence on consent and if at any time that consent had been withdrawn, he would have left and consulted with Detectives Moore and Leipsig. He advised that the entire time he was in the residence he did not search any area and he was there solely to capture the scene in video and in photographs. He was following the direction of the detectives when he attended to collect evidence.

Respondent Officer #11 Detective Constable Bryce MacLean #653

Detective Constable MacLean is assigned to the Forensic Identification Unit. He was interviewed by OIPRD investigators and the following is a summary of that statement.

The day of the incident, Detective Constable MacLean was working with Detective Constable Lenaerts and they were assigned to attend the area of the shooting to assist the SIU. With the permission of the SIU they photographed the scene of the shooting. They were then directed by detectives to attend the Complainant's residence to photograph the scene. Detective Constable Lenaerts was the lead that day and he had the conversation with the detectives.

When they arrived at the residence, Constable Griffin was outside. They photographed the outside to orient themselves. Constable Griffin explained that the scene was the rear master bedroom, the master bathroom, the main floor and the staircase. They were met by the caregiver and it was explained to her that they wanted to photograph the inside where the domestic assault had occurred. He and Detective Constable Lenaerts then photographed and videotaped the interior. At no time did they search anywhere.

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Detective Constable MacLean reported that they were directed to follow the scene and were in the residence with consent. If at any time the consent was withdrawn, they would have left the residence and consulted with detectives.

Investigation

A copy of all reports, radio transmissions, officer statements and notes was obtained from the DRPS. The SIU provided its investigative file which included statements, pathologist report, photographs and scaled diagrams of the scene.

The Complainant and her sister-in-law (Civilian Witness 17) were interviewed. They also provided some of the documents they had acquired during their investigation. The family of the Affected Person had an independent pathologist review the evidence and provided investigators with his report. They also provided some witnesses that had not been interviewed by the SIU. These witnesses were interviewed. One of the witnesses refused an interview and stated she had no information relating to this incident.

All the Respondent Officers were interviewed. Witness Officers were also interviewed.

Analysis

The complaint can be broken down into the following areas:

- The force used by Constable Taylor.
- The medical assistance provided by DRPS officers.
- DRPS officer's failure to provide full medical information to the Rouge Valley hospital.
- DRPS interference with the SIU investigation.
- Entry and search of the Complainant's residence.

Use of Force

The Complainant and Civilian Witness 17 stated they felt that the DRPS did not have to shoot the Affected Person. They both believed the officers should have tried to negotiate with the

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Affected Person and, failing that, the officers should have disengaged. They submitted an independent pathology report and a scaled diagram prepared by one of Civilian Witness 17's sisters, who is an engineer. They contend that the Affected Person was over thirty feet away when the first shot was fired. This distance should have allowed the officers to disengage or negotiate.

Investigators reviewed a pathology report prepared for SIU investigators. The family also submitted an independent report by a pathologist who reviewed the findings in the original report. The two doctors' conclusions are in agreement. There were two shots fired, with one shot entering the Affected Person's right shoulder and another bullet entering the abdomen. The doctors agree that they are unable to determine which wound occurred first. The doctors agree that the bullet trajectory of the wounds is a downward path although the wound to the abdomen had been surgically altered and difficult to trace. They agree that there are too many variables, such as the position of the officer when he fired and the posture of the Affected Person when he was struck to draw any conclusions from the path of the bullets. The doctors also agree that they cannot determine the distance the shots were fired from through an examination of the deceased. The independent pathologist does discuss the shoulder wound and its effect on the ability of the Affected Person to raise the steel pole. In his opinion, the damage caused by the bullet may have impaired the Affected Person, but he agreed with the original pathologist that "*purposeful movement of the right upper limb after injury cannot be excluded.*" The two shots were fired in quick succession and the order of the shots cannot be determined. The officer would not have been aware if the shoulder injury had caused the Affected Person to be unable to strike him and, in any event, this may have been the second shot.

The scaled diagram is based on the placement of the police vehicles in photographs of the scene and the statements of Civilian Witnesses 2, 4 and 9. These witnesses had been re-interviewed by the family and in some cases the witnesses have changed their information. Civilian Witness 2 stated in his SIU interview that he had the officer in his sight the entire time. In his statement to the family, he stated that he saw the Affected Person running towards the officer and he lost sight of him because of a bush between 7 and 9 Dring Street. When he next observed him, a shot had been fired and the Affected Person had blood on him. In Civilian Witness 4's SIU statement, she stated that she observed the Affected Person move directly towards the police officer and he was five feet away when he was shot. When interviewed by

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the family, she stated that the Affected Person was out of her sight for a moment because her view was obstructed by the bush between 7 and 9 Dring Street. A shot was fired and when he re-emerged, he had blood on him. Civilian Witness 9 said in her SIU statement that she observed the Affected Person and went downstairs to call the police. She hung up the phone and started back upstairs when she heard the shots. In her statement to the family, she reported that the Affected Person was in the driveway of 7 Dring by the bushes when he was shot.

Based on all the above evidence, the family felt that the first shot was fired while the Affected Person was at the bushes at 7 Dring Street. The distance from the bushes to the rear of Constable Taylor's cruiser would be 33 feet according to the family's scaled diagram. It is their contention the first shot was fired from 33 feet and this distance would have afforded the officer the opportunity to disengage.

Constable Taylor stated that he got out of his cruiser and did not see the Affected Person at first. When he rounded the corner of his cruiser, he observed the Affected Person moving quickly towards him. He pulled out his firearm and shouted for the Affected Person to drop a steel bar he was carrying. The Affected Person kept moving towards him and he fired two shots. Constable Brown stated that he observed the Affected Person moving quickly towards Constable Taylor and that the shots were fired as the Affected Person reached the roadway. Constable Williams was in his vehicle. He stated that the Affected Person was walking down the driveway of 7 Dring with pieces of the patio table in his hands. He dropped some of the pieces and started walking towards his cruiser. Constable Williams locked his car doors. Just as the Affected Person reached his cruiser, he veered to the right. Constable Williams observed Constable Taylor exiting his cruiser. Constable Taylor reached the back end of his cruiser and was confronted by the Affected Person at the front of Constable Williams' cruiser. Constable Williams felt that Constable Taylor and the Affected Person were six to eight feet apart when the shots were fired.

The family has developed their hypothesis from the Affected Person leaving the porch of 7 Dring to when the first shots were fired and concluded the Affected Person was 33 feet away. OIPRD investigators considered the shooting by working back from where the Affected Person was situated on the roadway. The final resting place of the Affected Person is detailed on the SIU

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scale drawing based on the bloodstains. It is on the roadway in the middle of Dring Street between Constable Williams and Constable Taylor's cruisers. The witnesses all stated that the Affected Person crawled a few feet before finally stopping after the shots. Constable Taylor marked the SIU scale diagram and showed himself at the corner of his SUV. He marked the Affected Person on the lawn of 9 Dring between the curb and a tree. There are no sidewalks on this side of Dring. All witnesses stated that the shots were fired in quick succession. Civilian Witness 18 stated that from the police arrival to the sound of the two shots was only a matter of seconds.

Working back from where the Affected Person ended on the roadway and considering that the two shots were very close together, the Affected Person would have had to stumble 33 feet from the first shot to where he collapsed. Civilian Witness 3 stated that after the Affected Person went to the ground, two of the officers dragged him a few feet to the middle of the roadway. Constable Taylor would have had to fire two shots in rapid succession and hit a target 33 feet away. This would have been very difficult for any marksman. In the SIU diagram the parts of the table that the Affected Person dropped are right beside the bush at the 33 foot mark. None of the witnesses indicated they observed the Affected Person drop parts of the patio table but Constable Brown stated he observed this. Some witnesses stated that the Affected Person moved towards the police with a metal pole in his hands. Some of the witnesses thought he had nothing in his hands. Based on the evidence, these observations would have taken place after the Affected Person had dropped some parts of the patio table and after the 33 foot mark on the families scale diagram. The pathologist report and the independent pathologist report provided by the family both state that the distance of the shots cannot be determined from any examination of the body.

Based on all the evidence, it is very difficult to determine the distance between Constable Taylor and the Affected Person when the first shot was fired. While we do not feel it was 33 feet, it was not five feet away as suggested by Civilian Witness 4. It was somewhere between ten and thirty feet.

In determining if the force used was justified, we must review this from the point of view of Constable Taylor. We must first determine if Constable Taylor believed the threat to him or others was such that he believed he could suffer death or serious bodily harm. Secondly, we

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must determine if the officer's belief was reasonable. The Ontario Use of Force Model states that an officer is justified in using as much force as reasonably necessary, including deadly force, if the officer feels that he is in danger of "*grievous bodily harm or death.*" Section 25 of the *Criminal Code of Canada* states;

Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm

In his statement Constable Taylor stated he exited his vehicle and did not see the Affected Person until he got to the rear of his vehicle. He shouted a command for the Affected Person to drop a steel pipe he was carrying. In his opinion, he felt that he was going to get his head "*pummeled in*" by the Affected Person. He based this on the fact the Affected Person was still moving towards him with the pipe and the demeanour he was displaying. He drew his pistol and shouted the police challenge "*Police! Don't move!*" The Affected Person kept moving towards him and he fired a shot. It appeared to have no effect and he fired a second shot. The Affected Person screamed out in pain. He began crawling across Dring Street, from east to west. He finally stopped and Constable Brown stated he approached him, pulled the steel pole from underneath him and threw it aside. Constable Taylor was not aware of the incident involving Civilian Witness 2 and the Affected Person when he pounded on the truck window. He was not aware that the Affected Person had picked up a rock and threatened Civilian Witness 4. He also stated he did not hear any radio transmissions or see any MDT messages about any prior involvement the Affected Person had with the DRPS. Constable Taylor based his grounds for using force on his observations of the Affected Person when they came in contact with each other. He was faced with a naked man, carrying a steel pole with his face "*contorted*" and his eyes "*scrunched up*" and he felt threatened with serious bodily harm.

While some of the witnesses stated they could see nothing in the Affected Person's hands, it is clear based on the evidence collected at the scene that the Affected Person had a steel leg from the patio table he had broken on the porch of 7 Dring Street. This piece of the table, if used to

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strike someone, could cause grievous bodily harm or death. Constable Taylor stated he believed this and his belief was reasonable under the circumstances.

Based on the evidence, it is reasonable that Constable Taylor believed he was at risk of serious injury and was justified in using deadly force. The Complainant and Civilian Witness 17 both felt that the officer should have disengaged at this point. Tactically, this could have been an option if there was time and space to disengage and if the officers had containment of the Affected Person. We have established that the Affected Person was between 10 and 30 feet from Constable Taylor when they first engaged. The witnesses have stated that the Affected Person was moving quickly towards the officer. This would have afforded no opportunity to disengage. There were no citizens in the immediate area but at that time of day and the fact a nursery was around the corner, the Affected Person could not be allowed to run into the neighbourhood with the weapon. The officers on scene did not have him contained and could not risk losing control of him. There was no opportunity to disengage.

There was no conducted energy weapon (CEW) on scene. Tactically in this situation it would not have been a good option because the Affected Person was closing the distance between himself and Constable Taylor. If a CEW had been deployed and missed, the officer would have been at risk.

The family felt that the officers should have tried to negotiate with the Affected Person before shooting him. The Complainant and her sister tried to speak to him at the residence, but he did not respond and fled the house naked. Civilian Witness 2 tried to engage him but he began yelling and pounding on his truck window. Constable Taylor did issue the police challenge and received no response. The officers and all the witnesses stated that this incident was over after a few seconds of the police officers arrival. This speaks to how fluid the situation was and how little time the officers had to negotiate or disengage.

The force used by Constable Taylor fell within the guidelines of the Ontario Use of Force Model and was reasonable based on the evidence.

Medical Assistance

The Complainant and Civilian Witness 17 thought that the DRPS officers did not provide adequate medical attention prior to the ambulance arriving on scene. They referred to a picture

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showing two officers speaking to each other while a third officer was bent over the Affected Person. They also felt that officers should have lifted the Affected Person off the asphalt and placed blankets under him so he was not lying on the ground.

Constable Taylor stated that immediately after the shooting, Constables Williams and Brown treated the Affected Person and he went to get medical supplies and a blanket from police vehicles. He viewed the photograph provided by the Complainant and stated that he was talking to Acting Sergeant Dunlop in the picture. Constable Brown advised that he applied pressure to the abdominal wound as is consistent with his training. He stated he did not try to put a blanket under the Affected Person because he had been trained not to move someone for fear of the risk of causing more damage. Civilian Witnesses 19 and 20 both provide first aid training to the DRPS. They are both experts in first aid. They both stated that in a situation such as the one facing the officers in this incident, the officers should apply pressure to the wound and not move the person until the ambulance arrives. Both of these witnesses felt that the officers on scene acted in a manner that was consistent with their training.

There is no misconduct with regards to this allegation.

Failure to Provide Full Medical Information

The family has stated that the Affected Person had a reaction to a drug administered by the Rouge Valley Hospital. This drug was in conflict with one of the drugs the Affected Person was taking to control his seizures. The Complainant believed she had provided the list of medications the Affected Person was on while she was still at the residence. Constable Griffin denied this and stated that he repeatedly asked for that information but the Complainant was too distraught to provide it. He stated he asked and the ambulance personnel also asked. The ambulance personnel provided statements stating one has no recollection of this incident while the other attendant did not recall any of the conversations that took place.

OIPRD investigators reviewed radio transmissions. Constable Griffin did broadcast that the Affected Person had scar tissue on the brain and had been suffering from a high fever. Constable Craik broadcast and asked if he could obtain a list of medications. Constable Griffin broadcast a few minutes later stating the Affected Person was on "*Lamostigine 15 milligrams, 2 tablets a day*". Constable Craik did not acknowledge this, but the dispatcher did and then

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advised Constable Craik that she attached it to the call card. Constable Craik acknowledged the information. In her OIPRD interview with Constable Craik, she stated she passed on all medical information to a nurse at the hospital, but that she had no recollection of what that information was or the name of the nurse to whom she gave the information. In her notes, Constable Craik advised that the trauma team was waiting in Emergency when the ambulance arrived. She had no notes as to the Affected Person's medical history or his medications. The hospital records from the Rouge Valley Hospital show no mention of the medications.

In his OIPRD interview, Constable Griffin stated that he asked the Complainant for information about the Affected Person's medications, but she was too distraught and did not provide the information. There was no entry in his notes related to this. The radio communications were reviewed and Constable Craik asked Constable Griffin to obtain the medications. He did this and reported back on the radio. Constable Griffin was mistaken in his interview. The radio communications confirm that Constable Griffin did obtain medication information and provided it to Constable Craik. He was interviewed a year later and did not have the benefit of listening to the radio communications. There was no attempt to deceive investigators and Constable Griffin derived no benefit from misstating the facts. This was an honest mistake.

There is no evidence that Constable Griffin intentionally tried to mislead investigators. He committed no misconduct.

In her OIPRD interview, Constable Craik stated she received medical information but could not remember what it was. She stated that she passed it on to hospital staff. There is no indication of the Affected Person's medications in his Rouge Valley Hospital records. It was a chaotic scene when the Affected Person arrived at the hospital, with a doctor and trauma team awaiting the arrival of the ambulance. The evidence does not indicate that Constable Craik provided the medical information; however, it does not indicate she did not do so. Due to the passage of time, it is difficult to reconstruct the arrival of the Affected Person at the hospital.

Based on the evidence, misconduct against Constable Craik cannot be substantiated.

Interference with the SIU Investigation

Inspector Dmytruk consulted with the SIU at the scene of the shooting and kept them apprised of the steps DRPS was taking in the Domestic Assault investigation. The family felt that the

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interviews conducted at the hospital interfered with the SIU investigation of the shooting. The Complainant and Civilian Witness 1 were interviewed by Detectives Leipsig and Moore. These officers had been directed to attend and interview the Complainant and her sister. This direction had come from Inspector Dmytruk and through their supervisor. The Complainant and her sister did not witness the shooting and would be able to provide only background information for the SIU investigation. Inspector Dmytruk stated that he had a duty under the *Police Services Act* and DRPS policies to conduct an investigation into the Domestic Assault as well as a Section 11 investigation on behalf of the Chief. The Section 11 investigation is required under Ontario Regulation 267/10;

11. (1) The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the SIU has been notified, subject to the SIU's lead role in investigating the incident. O. Reg. 267/10, s. 11 (1).

(2) The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers. O. Reg. 267/10, s. 11 (2).

(3) All members of the police force shall co-operate fully with the chief of police's investigation. O. Reg. 267/10, s. 11 (3).

Detective Constable Samuels contacted the Complainant's niece the next day to retrieve a video recording in relation to the Domestic Assault investigation. He was acting under the direction of Inspector Dmytruk, through his supervisor. He had a duty to try to collect all the evidence related to the Domestic Assault investigation.

Section 113(9) of the *Police Services Act* states: "*Members of police forces shall co-operate fully with the members of the unit in the conduct of investigations.*" It does not prohibit officers from conducting a parallel investigation of the incident in accordance with Section 11.

There is no misconduct related to the actions of officers while conducting the Domestic Assault investigation and the Section 11 investigation.

Search of the Complainant's Residence

The Complainant has alleged that officers from the DRPS entered her residence without permission and conducted an illegal search.

Constable Griffin stated that he was stationed out front of the Complainant's residence and he took Detective Constable's Lenaerts and MacLean to the front door. They went into the

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residence and he remained by the front door. Detective Constables Lenaerts and MacLean both stated they were directed by Detectives Leipzig and Moore to photograph and video record the inside of the residence. Detectives Leipzig and Moore both stated they did not direct the officers to do this assignment. The notes of all four officers were reviewed and there are no notations in any officer's notes confirming this direction.

Detective Constables Lenaerts and MacLean both stated that they entered the residence and advised the caregiver (Civilian Witness 21) of the reason for their entering the residence. Both officers denied conducting any search of the premise.

Civilian Witness 21 stated the officers just walked in and offered no explanation for their presence. She admitted that at no time did she ask the officers to leave, nor did she deny them entry. She did not see the officers search any place in the residence, but did hear drawers open and closing in the Complainant's bedroom.

The officers were not denied entry to the residence and no one witnessed them searching the residence. Based on the evidence, the allegation of misconduct cannot be substantiated.

Conclusion

Allegation #1

Unlawful or Unnecessary Exercise of Authority, section 2(1) (g) (ii) of the Code of Conduct, Police Services Act – uses any unnecessary force against a prisoner or other person contacted in the execution of duty.

The Complainant has alleged that Constable Taylor used excessive force on the Affected Person.

Upon review and analysis of all available information, the Director has determined that **there is insufficient evidence** to establish that misconduct occurred in this complaint. As a result, with respect to this allegation, the conclusion is: **Unsubstantiated**

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Allegation #2

Neglect of Duty, section 2 (1) (c) of the Code of Conduct, Police Services

Act – Did without lawful excuse, neglect or omit promptly or diligently to perform a duty.

The Complainant has alleged that Constables Taylor, Williams and Brown did not provide adequate medical attention to the Affected Person after he was shot.

Upon review and analysis of all available information, the Director has determined that **there is insufficient evidence** to establish that misconduct occurred in this complaint. As a result, with respect to this allegation, the conclusion is: **Unsubstantiated**

Allegation #3

Neglect of Duty, section 2 (1) (c) of the Code of Conduct, Police Services

Act – Did without lawful excuse, neglect or omit promptly or diligently to perform a duty.

The Complainant has alleged that Constable Craik did not provide the proper medical information to the Rouge Valley Hospital when the Affected Person was admitted. A list of his medications was not provided.

Upon review and analysis of all available information, the Director has determined that **there is insufficient evidence** to establish that misconduct occurred in this complaint. As a result, with respect to this allegation, the conclusion is: **Unsubstantiated**

Allegation #4

Neglect of Duty, section 2 (1) (c) of the Code of Conduct, Police Services

Act – Did without lawful excuse, neglect or omit promptly or diligently to perform a duty.

The Complainant has alleged that Inspector Dmytruk, Detectives Leipsig, Moore and Melnick, and Detective Constable Samuels did not comply with Durham Regional Police Service policy and interfered with the SIU investigation.

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Upon review and analysis of all available information, the Director has determined that **there is insufficient evidence** to establish that misconduct occurred in this complaint. As a result, with respect to this allegation, the conclusion is: **Unsubstantiated**

Allegation #5

Discreditable Conduct, section 2 (1) (xi) of the Code of Conduct, Police Services Act – acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force of which the officer is a member.

The Complainant has alleged that Detective Constables Lenaerts and MacLean entered her house, took photographs and conducted a search of the premise without her permission.

Upon review and analysis of all available information, the Director has determined that **there is insufficient evidence** to establish that misconduct occurred in this complaint. As a result, with respect to this allegation, the conclusion is: **Unsubstantiated**

Referenced Information

- Ontario Use of Force Model.
- *Criminal Code of Canada* - Section 25.
- DRPS Police Directive LE-01-023 Criminal Investigation Management Plan.
- DRPS Police Directive AO-05-001 Special Investigations Unit.
- DRPS Police Directive LT-05-002 Police Use of Force.
- DRPS Police Directive LE-17-010 Emotionally Disturbed – Mentally Ill or Developmentally Disabled Persons.
- Ontario Regulation 267/10
- *Police Services Act*

Investigators

Thomas Andrew

Laurie Ioannou

Supervisor/Manager

Ken Cormier, Manager of Investigations

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Confidential APPENDIX A

Witness List

<u>Party</u>	<u>Name</u>
Complainant	Marian Madjarian 59 Unsworth Crescent, Ajax L1T 4X3
Civilian Witness 1	Violette Madjarian
Civilian Witness 2	Ron Nino
Civilian Witness 3	Kristen Bennett
Civilian Witness 4	Shelley Allen-Groves
Civilian Witness 5	Ataf Alhalabi
Civilian Witness 6	Rafah Alhalabi
Civilian Witness 7	Seraine Daigle
Civilian Witness 8	Rodena Daigle
Civilian Witness 9	Kathy Turczynski
Civilian Witness 10	Cindy Trent
Civilian Witness 11	Jillka Kapadia
Civilian Witness 12	Rubie Supnet
Civilian Witness 13	Ruella Rodrigues
Civilian Witness 14	Cheryl Rogers
Civilian Witness 15	Gurdeep Bali
Civilian Witness 16	Natasha Khan
Civilian Witness 17	Joanne McIssac
Civilian Witness 18	Odelia Gudge
Civilian Witness 19	Acting Deputy Chief Troy Cheseboro
Civilian Witness 20	Michael Bardette
Civilian Witness 21	Maria Oliveira
Civilian Witness 22	Jason Stockdale
Civilian Witness 23	Michelle Crosbie
Police Witness 1	Sergeant Stephen DeVries #3120
Police Witness 2	Constable Corby Wright #650
Police Witness 3	Constable Brad Dunlop #929
Police Witness 4	Constable Jermaine Griffin #3665
Police Witness 5	Constable Joe Torcivia #3475
Police Witness 6	Constable Brian Detlor #3657
Respondent Officer 1	Constable Brian Taylor #619
Respondent Officer 2	Detective James Leipsig #266
Respondent Officer 3	Inspector George Dmytruk #155
Respondent Officer 4	Detective Joel Melnick #293
Respondent Officer 5	Constable Charlyn Craik #3565
Respondent Officer 6	Detective Constable Sean Samuels #3383
Respondent Officer 7	Constable Mark Brown #3298
Respondent Officer 8	Constable Jeffrey Williams #3460

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Respondent Officer 9	Detective Rob Moore #830
Respondent Officer 10	Detective Constable Ben Lenaerts #3070
Respondent Officer 11	Detective Constable Bryce MacLean #653

Confidential APPENDIX B

Details of Exhibits

<u>Exhibit #</u>	<u>Exhibit</u>	<u>Description/Analysis</u>
1	DRPS Call summary	Summary of calls pertaining to General Occurrence 2013-231604
2	DRPS Occurrence	General Occurrence 2013-231604
3	DRPS Crime Scene log	Crime Scene Access Control Register
4	DRPS MDT logs	22 Maxicad Activity Logs
5	Officer notes	Det Cst MacLean notebook entries
6	Officer notes	Det Cst Lenaerts notebook entries
7	Officer notes	Det Cst Samuels notebook entries
8	Officer notes	Det Leipsig notebook entries
9	Officer notes	Det Melnick notebook entries
10	Officer notes	Det Moore notebook entries
11	Officer notes	S/Sgt Nash notebook entries
12	Officer notes	Cst Boyle notebook entries
13	Officer notes	Cst Brown notebook entries
14	Officer notes	Cst Craik notebook entries
15	Officer notes	Cst Detlor notebook entries
16	Officer notes	Cst Dunlop notebook entries
17	Officer notes	Cst Fleming notebook entries
18	Officer notes	Cst French notebook entries
19	Officer notes	Cst Griffin notebook entries
20	Officer notes	Cst Hartry notebook entries
21	Officer notes	Cst McLeod notebook entries
22	Officer notes	Cst McMillan notebook entries
23	Officer notes	Cst Taylor notebook entries
24	Officer notes	Cst Torcivia notebook entries
25	Officer notes	Cst Williams notebook entries
26	Officer notes	Det Cst Wright notebook entries
27	Officer notes	Cst Andrews notebook entries
28	Officer notes	Sgt Devries notebook entries
29	Photographs	Street scene and house photographs – 53 pages each containing 2 photos
30	Officer Notes	Det Cst Samuels notebook entries
31	MDT log	Officer 619 Maxicad report
32	Training record	DRPS officer training report
33	Photographs	3 photographs provided by Joanne Mclsaac
34	Durham Region EMS record	Ambulance Call Report
35	Air ambulance record	ORNGE Patient Call Report
36	Hospital Records	Affected Person's health records from

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		Rouge Valley Hospital. Provided by Joanne Maclsaac. Includes EMS Ambulance Call Report.
37	Durham Region EMS record	2 x Ambulance Call Report, one provided by Joanne Maclsaac and one provided by Complainant
38	Medical record	Letter from Dr. Andrade dated Apr 7/14. Provided by Joanne Maclsaac.
39	Phone record	Phone record for 905-428-2171. Provided by Joanne Maclsaac.
40	Scene drawings	3 x hand drawn sketches of the scene
41	Notes	Notes made by Joanne Maclsaac. Provided by Joanne Maclsaac.
42	Letter	Letter of Jul 8/14 to SIU Director from the family of the Affected Person
43	Timeline	Timeline of the incident. Provided by Joanne Maclsaac.
44	SIU disclosure	3 discs containing disclosure of the SIU investigation