

Timmins Police Service Board



TELEPHONE (705) 360-2601- FAX (705) 360-2674
220 ALGONQUIN BLVD. EAST
TIMMINS, ONTARIO
P4N1B3

TO: Timmins Police Service Board
FROM: Chief Sydney Lecky
CC:
DATE: May 8, 2025
RE: Report Pursuant to Section 81(4) of the Community
Safety and Policing Act re: SIU Case #: 24-OCI-497.
https://www.siu.on.ca/en/directors_report_details.php?drid=4352

This report is submitted to the Board for your attention regarding an incident that occurred on November 17th, 2024, where Timmins Police officers responded to a call involving a man who had committed theft under \$5000.00 from a convenience store located on Algonquin Blvd in the City of Timmins.

Upon arrival, Timmins Police officers observed the suspect walking away from the area of the incident. The male observed police approaching and began running away to avoid arrest. Timmins Police Officers were able to catch up to the male, brought him to the ground and handcuffed him; the male was actively resisting the officers during the arrest.

The male sustained facial injuries during the arrest and the Special Investigation Unit (SIU) was subsequently notified and invoked their mandate to investigate and to determine if any criminal offense was committed by any of the Timmins Police Service members who were involved in this incident. The SIU concluded no criminal offence had been committed and deemed the file to be closed.

While the SIU Director found no basis for proceeding with criminal charges against the officers, he notified the Complaints Director at the Law Enforcement Complaints Agency (LECA), that an unknown Timmins Police Service officer may have violated

section 16(1) of the SIU Act by not immediately notifying the SIU of the affected party's injuries.

The circumstances were provided to LECA who concluded that based on the circumstances it did not rise to the level of public interest required for LECA to self-initiate an investigation into this matter of a public complaint. The Complaints Director considered the criteria under section 153 of the CSPA and Rule 15.1 of the LECA Rules of Procedure, with specific attention to the nature of the allegations that form the subject of the notification, whether the notification raises issues of systemic importance, and whether a decision to not retain an investigation would negatively impact public confidence in policing.

This part of the file is also closed. The SIU is copied on this letter for their information.

Purpose of Report:

As a result of an investigation by the SIU, the Chief shall cause an investigation into the incident pursuant to s. 81(1) of the Community Safety and Policing Act (CSPA), which shall consider:

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

In this case, the SIU has concluded their investigation and posted the results of their findings. The Chief of Police is required to cause further investigation and review of the actions taken by the Timmins Police Service members. This is to ensure officer conduct, compliance with Timmins Police Service Standard Operating Procedures and Policies, and to ensure the actions taken meet the service expectations of the Board. The police Chief has prepared and submitted this report to the Board with the results of his findings.

The Professional Standards Branch officer completed the investigation. As part of the investigation, all material submitted by the Timmins Police Service including video recordings and other materials were gathered and reviewed. This review also included five statements obtained by the SIU.

Findings and Summary

The officers' actions in this incident have been analyzed with three key considerations: the grounds for arrest, the appropriateness of the level of force used, and the officers' response to the injury.

Having reviewed all the evidence presented, the officers acted lawfully and appropriately throughout the incident. They had reasonable grounds to arrest the suspect male for theft under \$5000.00, used necessary and proportionate levels of force to manage his resistance, and responded promptly to his reported injury by facilitating medical attention.

There was no evidence raised about officer conduct in relation to the handling of the suspect. The officers responded to the incident in a manner consistent with expectations, and they followed all Standard Operating Procedures and Policies.

However, it was discovered that officers did not notify the SIU of the incident in the timeliest manner, as per the CSPA and the Timmins Police Operating Procedures. The time to notification has never been an issue in the past and will be addressed with some additional emphasis on the requirements outlined in our policies and regulatory requirements in order to better respond to the expectations for timely notification.

This matter is considered resolved.

Sydney Lecky
Chief of Police