

No criminal wrongdoing on Police's part in Amber Alert crash: SIU

By Brock Weir

Ontario's Special Investigations Unit has found there are 'no reasonable grounds' to lay criminal charges against an OPP officer involved in a crash in Pembroke following an alleged abduction in Aurora.

Tony Loparco, Director of the SIU, released his findings last week in relation to the serious injuries sustained by a 35-year-old man and a four-year-old child from Aurora during a vehicle collision in April of 2016.

Prior to the collision, Police had been following the vehicle as it was linked to an Amber Alert issued by the York Regional Police. 'In the early morning hours of April 18, 2016, YRP issued an Amber Alert, alleging that Complainant #1 had abducted his four year old daughter, Complainant #2, from her home in Aurora,' said the Director in his report. 'At approximately 7:30 a.m., YRP was notified after Complainant #1 used a bank card to withdraw money from a bank located in Haliburton. YRP notified the OPP to be on the lookout for Complainant #1, who was believed to be in cottage country. At approximately 8:53 a.m., the SO and WO #4 saw a van matching Complainant #1's van being driven erratically in Bancroft. The pair attempted to stop Complainant #1, who sped away eastbound on Highway 28, precipitating a short pursuit. At 9:02 a.m., WO (Witness Officer) #33 instructed the SO to discontinue the pursuit, due to Complainant #1's dangerous driving and the risk to Complainant #2.

In the next hour, several civilian witnesses called 911 to report Complainant #1's erratic driving. OPP officers followed some distance behind the van to Paul Martin Drive in Pembroke, where Complainant #1 failed to negotiate a curve and rolled his van. WO #20 arrived on scene and assisted in stabilizing Complainant #2 until paramedics arrived. She was then removed from the rear of the van. WO # 20 accompanied Complainant # 2 when she was airlifted to another hospital. Complainant # 2 sustained compressions of the third and fifth vertebrae. WO # 19 and WO #22 attended the scene of the collision and found Complainant #1 unconscious and dangling from his seatbelt. WO #22 ordered an ambulance and the fire department to attend. Complainant #1 regained consciousness and struggled to get out of the van. WO #19 searched Complainant #1 for weapons and then released him from the vehicle. Complainant #1 struggled to his feet and was arrested. WO #19 accompanied Complainant #1 to the hospital, where it was determined that he had sustained an upper sternal fracture and compression fracture of the 8th vertebrae.'

In his conclusion, the Director said there was 'some urgency' to stop the driver but it became clear he was not going to stop for police. At that point, the OPP's Communications Centre was notified and the 'directive to discontinue any pursuit and to pull over and stop was strictly adhered to.

'I can find no causal connection between a pursuit of a short lived duration for a lawful purpose which was terminated as soon as it became clear that complainant #1 would not comply with police commands to pull over and a collision that occurred some 130km away with no police interaction with Complainant #1 in the intervening hour.'