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HAMILTON POLICE SERVICES BOARD

- INFORMATION -

**THE HAMILTON POLICE
SERVICES BOARD HAS
AGREED TO MAKE THIS
REPORT PUBLIC**

DATE: 2019 December 12

REPORT TO: Chairman and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Service Complaint – [REDACTED]*
[REDACTED]
Professional Standards Branch File PCS2019-004 / 005 / 007
PSB 19-108

BACKGROUND:

Pursuant to s. 59 and s. 63(4) of the *Police Services Act*, RSO 1990 (PSA) c. P. 15.1, the Office of the Independent Police Review Director (OIPRD), requires that the Chief or designate shall cause an investigation to be conducted forthwith, into any incident that the OIPRD has been notified and deemed relevant to the policies of or the services provided by a Police Service. Section 59(1) of the *Police Service Act* permits the Independent Police Review Director (OIPRD) to classify complaints regarding the policies of or services provided by a Police Service. The Chief is mandated to complete an investigation and submit the results on the prescribed investigation report to the complainant, the Police Services Board and the OIPRD.

Nature of the Public Complaint

Between July 10, and August 30, 2019 the Hamilton Police Service received three OIPRD Service Complaints. The three complaints relate to the Police response to a disturbance which took place at Gage Park, 1000 Main Street East in Hamilton, during the Pride Festival on June 15, 2019. The complaints were thoroughly investigated and found to be unsubstantiated. See attached report for details.



Eric Girt
Chief of Police

EG/N.Goodes-Ritchie



OIPRD

Service Complaint Investigative Report

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Complaint Number: PCS2019-004, 005, 007

Investigated by: Det. Sergeant Gary Heron #824

Completion Date: November 28, 2019

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Summary of the Complaint

Three Service Complaints were received regarding the Pride Festival celebrations on June 15, 2019 at Gage Park, 1000 Main St. E Hamilton. The complaints were that the Protesters arrived at the park with no police officers in sight. By the time a visible police presence arrived people had been hurt. Protesters were not arrested. There was information to suggest this may happen, yet there were no preventative measures to stop it.

The OIPRD have classified these matters as Service Complaints to be investigated by the Hamilton Police Service to be dealt with pursuant to section 63 of the *Police Services Act*. The OIPRD suggested that the three Service Complaints, involving the same event, can be captured in one report.

Allegation

- That the Hamilton Police Service failed to properly plan for the June 15th, 2019 Pride Festival.
- That the Hamilton Police Service took too long to respond to a disturbance between Festival attendees and protesters.
- That the Hamilton Police Service failed to arrest the protesters.

Summary of Statement – Complainant

Statement Summary of Complainant 1:

The following is a summary of Complainant 1's statement to the OIPRD submitted on June 21st, 2019.

- On June 15th, 2019 Complainant 1 was in attendance during the Pride celebrations at Gage Park in Hamilton.
- Complainant 1 was concerned about a known threat of anti LGBTQ+ protesters coming to disrupt the festival.
- Protesters arrived at the park at 12:45pm. There were no police officers in sight. It wasn't until 1:20pm that there was a more visible police presence, but not until a number of people had been hurt.
- Complainant 1 felt this was shameful as apparently there were Officers in cars just outside the park.

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- Officers were mostly pleasant with the protesters and one even helped them retrieve one of their anti LGBTQ signs.
- Despite clear evidence of violence, both due to visible injuries to Pride attendees, and media footage, none of the protesters were arrested.
- Complainant 1 asked one Officer if they were there to protect us or them. The Officer condescendingly told her if she went back to the party that the protesters would go away; as if to suggest that Pride attendees were creating drama.
- Complainant 1 advised the Officer that they were there to block the protesters and prevent them from disrupting the event. This was concerning as the protesters were heading in the direction of the family zone.
- There was intelligence from a year ago that suggested something like this would happen; why were there no preventative measures to stop these individuals coming to cause harm?

In a telephone conversation with the Investigator regarding her complaint, Complainant 1 was insistent on not providing further details or clarifying information regarding her complaint.

Statement Summary of Complainant 2:

The following is a summary of Complainant 2's statement to the OIPRD submitted on June 21st, 2019.

- Complainant 2 indicated the event was a dereliction of duty by Hamilton Police Chief Eric Girt.
- Officers were stationed around the perimeter of the event, even though it was known full well there would be violence as there were 'Yellow Vest' protesters there.
- An altercation broke out and the Police were not quick to respond.
- Chief Girt said that Police would have been deployed differently had they been invited to Pride. Chief Girt was the reason the Police were slow to respond.

The Investigator has corresponded with Complainant 2 on 9 occasions in order to obtain an interview. Complainant 2 has failed to provide an interview.

Statement Summary of Complainant 3:

The following is a summary of Complainant 3's statement to the OIPRD submitted on June 20th, 2019.

- Complainant 3 indicated that the Hamilton Police Service (HPS) failed to protect residents from a violent hate group who attended at the Hamilton Pride Festival at

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Gage Park on June 15th, 2019 to disrupt, harass, spread hate and physically attack the festival attendees.

- Complainant 3 advised that the HPS knew the hate groups were planning to disrupt the Festival. The groups congregated at City Hall where police already had a presence. Some [of the hate groups] broke off to travel to Gage Park.
- At 1pm Complainant 3 drove around the area of Gage Park, and despite knowing that hate groups were planning to attack the festival, there were only four Police Cruisers parked at one location; Gage Ave and Lawrence Rd, where it was extremely unlikely the group would approach from.
- Complainant 3 indicated that according to Involved Person 1 the HPS already knew where the groups would likely approach from, as they showed up in 2018. The HPS and Pride Hamilton had discussions about it.
- During the drive around the perimeter of the Park Complainant 3 observed a parked vehicle which he believed was associated to the hate group. Complainant 3 took a picture of the vehicle. There were no Police found anywhere on the streets adjacent to the park. Witnesses can testify that there were no Police in the park.
- At 1pm the hate group that left City Hall entered the park. Citizens were expecting them and erected a large banner in an attempt to block them from harassing participants of the festival. A large group of people formed around the hate groups.
- Videos posted on-line show a religious hate group member sucker punching one of the banner holders. A fight broke out between citizens trying to stop the hate groups. Another male was seen assaulting people with his helmet, breaking a young woman's nose and injuring several others.
- The violence lasted 30 minutes before Police showed up in force to break it up. Despite having four vehicles parked one minute from the park entrance on Lawrence Rd.
- There are photos and videos that can confirm the uniformed HPS Officers stood by while the fight ensued.
- The HPS then escorted the hate groups out of Gage Park, pressing no charges despite witnessing dozens of violent assaults.
- Some members of these hate groups then proceeded to chase "queer teens" down a side street – and live streamed it to their Facebook page.
- In summary, the HPS did nothing to prevent violent extremists from disrupting a public, permitted, peaceful festival. The HPS took an outrageous amount of time to break up a violent fight in progress. The HPS allowed violent thugs to leave the park without charges. Those thugs went on to commit more crimes and terror against citizens.

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- The Chief is quoted in the media saying that the HPS would have approached their response differently if they were invited to the Festival.

The following is a summary of Complainant 3's follow up statement. The statement was provided to the Investigator on September 17, 2019 at the Professional Standards office and was audio recorded:

- Complainant 3 and the Investigator reviewed the complaint submitted by Complainant 3 on June 20, 2019 to the OIPRD.
- Complainant 3 advised that Involved Person 1 had a conversation with the HPS two days before the Pride Festival, at which time Involved Person 1 advised that this was going to happen based on the social media posts.
- Complainant 3 advised that there were social media outlets indicating that groups, which do not normally act in tandem, were planning on doing so at Pride. Such as Nationalist and White Supremacist working with the Religious groups.
- Complainant 3 was not at City Hall on June 15, 2019. He had learned that the protest groups had broke off from City Hall via the media.
- Complainant 3 advised that he had driven around the area of Gage Park to see if he could see any of the protest group people before they got to the park and maybe warn someone. Complainant 3 did locate a vehicle which he believed belonged to one of the religious extremists.
- Complainant 3 advised that he did not report the sighting of the vehicle to the Police as the Police were already in the area.
- Complainant 3 advised that he would forward the photo he took of the vehicle to the Investigator.
- Complainant 3 attended his residence to collect his daughter and attended at the Festival at approximately 2pm. The protest / disturbance had ended at that time.
- The source of Complainant 3's information, relating to the protest, comes from media and other sources.
- Complainant 3 advised that Involved Person 1 had told the Police where the protesters were last year and where they would probably be this year; near the Rose Garden, south of the Fountain.
- The person assaulting people with his helmet was later arrested. The person who 'sucker punched' the banner holder was not arrest. *(The Investigator believes that the person who 'sucker punched' the banner holder was Involved Person 13)*
- Complainant 3 agreed to forward the Investigator the Video of the male throwing the 'sucker punch'.

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- Complainant 3 could not identify the victim of the punch as they were wearing a mask.
- Complainant 3 was unable to answer if Police were present during the violence and assaults, i.e. banner holder being sucker punched and the male assaulting people with a helmet. Complainant 3 will check for video and forward same to the Investigator.
- Complainant 3 advised that the optics indicate that the HPS were more concerned about finding and arresting people who were trying to stop the groups, rather than the people who came and instigated the conflict and violence.
- Complainant 3 indicated that he would provide a link to video of the religious extremists chasing 'queer teens' on nearby streets after leaving the park.
- Complainant 3 was not present during the disturbance. Complainant 3 is unaware if any victims present at park had presented themselves to the police identifying as a victim.
- Complainant 3 did not observe any Uniform Police around the Pride Festival when he arrived at approximately 2pm.
- Complainant 3 advised that there were people at the Festival who attempted to call before, during and after violence happened and were allegedly told by the dispatcher that they were not going to send anyone. Complainant 3 was not sure if this was because the police were already there, or were dispatched.
- Complainant 3 advised that if he can find anyone who had that experience he will advise the Investigator if they are willing to make a statement.
- Complainant 3 spoke in general terms regarding current white supremacy groups in North America and Europe.
- ***On November 19, 2019 Complainant 3 provided the Investigator with video and photo material as previously mentioned in his statement. Complainant 3, however, was unable to provide any further information relating to persons calling 911 and being advised that police were not going to be sent.***

Summary of Statements – Witnesses (Civilian & Police)

Review Statement of Involved Person 1:

The following is a summary of Involved Person 1's statement. The statement was provided to the Investigator on September 19, 2019 at the Professional Standards office and was audio recorded:

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- Involved Person 1 is a Pride Festival Organizer and a member of the Pride Festival Board of Directors. Involved Person 1 was present at Gage Park on June 15, 2019.
- Involved Person 1 was responsible for organizing the money during the event.
- The Committee obtained permits for three areas within the park [personally obtained by Involved Person 1]. One was the green, or band shell permit area, the second the orange, or picnic area north of the band shell and the third was the purple area or picnic area with tables. The three areas are depicted on an on-line City of Hamilton website as, 'Gage Park – Spaces Available to Book/Rent' map, which was pointed out by Involved Person 1. [See APPENDIX A]
- This information is found on the Committee's S.E.A.T. (Special Event Advisory Team) application. The police would have a copy of the permit.
- The Festival itself was contained to the green band shell area.
- This was the second year for the event in Gage Park.
- In 2019 there were approximately 90 vendors with performances happening from noon until 6pm. There is a family / youth area, a beer tent and food trucks.
- More than a couple of thousand people were in attendance that day. There was no entry fee for attendees.
- The event is not fenced with multiple entry points from Gage Ave, Lawrence Rd and Main St. However, the perimeter is marked by vendors and trees.
- An opposing group (protesters) had attended the event last year, 2018. The protesters had congregated north of the Festival in the orange zone just southeast of the fountain near two white bark trees. (Involved Person 1 marked the protester area on the map using an asterisk)
- Involved Person 1 suggested the Investigator attend Gage Park in order to get a better understanding of the location of the event area and location the protesters occupied in 2018.
- In 2019 the protesters returned to this similar location. This is close to the footpath and within the orange permit area.
- There are two main balloon archways signifying the Pride event. One is located at Gage Ave. and Cumberland Ave., the second is at Main St and Gage Ave. (noted on the map)
- Five uniform Security Officers from Canadian Protection Services Inc. were hired for the event. The owner of the company attended. Involved Person 1 believes it was because there was a lot going on.

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- Involved Person 1 advised that the event did not hire security to provide the kind of security that the police would imagine, because they can't afford to do so. Involved Person 1 indicated that it was important for him to point this out.
- The committee hired five Security Officers because they have certain legal requirements under the Liquor Licence Act, and other kinds of security concerns. Security would monitor the beer tent, monitor behind the performance area [band shell] to make sure performers could come in and out, and one person to walk around to keep an eye out as they expected there would be shenanigans. And when those things happened they could alert everyone immediately.
- Involved person 1 believes the event permit required security, especially for the liquor permit area. It was a suggestion possibly made from the Liquor Control Board; and it was what happened the year previous, the template from the year previous.
- Two days before the event on June 13, Involved Person 1 received a call from Sergeant Jennifer Granatier. Involved Person 1 believes that Sergeant Granatier did not have a copy of the application for the event, as Involved Person 1's phone number was on the application. Sergeant Granatier did not call Involved Person 1; instead she called the Aids Network who used to be more involved with Pride in the past. The Aids Network in turn passed on Sergeant Granatier's contact information and Involved Person 1 called her at 12:02pm. Involved Person 1 provided a screenshot of his cellphone from June 13 making an outgoing call to (905) 540-5179, which lasted 12 mins and 23 secs. *[The Investigator is aware that 905-540-5179 is a Division 20 Crime Manager telephone number].*
- Sergeant Granatier had a lot of questions for Involved Person 1. Involved Person 1 thought it was a strange call. It was two days before the event and he was busy preparing. A lot of the questions were about the event itself. The time the event started. What had happened the previous year. What the organizers expected to have happen at the event.
- Sergeant Granatier advised that they were forming an operational plan. The operational plan would be formed with some of the things Involved Person 1 told Sergeant Granatier, and could Involved Person 1 answer a series of questions; such as when the event started and finished. Involved Person 1 asked Sergeant Granatier why she did not have this information.
- Involved Person 1 reminded Sergeant Granatier the police had been there the year prior and that all the information she would need about the year prior was, A) on the internet, B) should be available to her through the intelligence of her own department. However, Involved Person 1 did explain to Sergeant Granatier what had happened the year prior.
- Involved Person 1 directed Sergeant Granatier to the on-line Gage Park event map. Involved Person 1 guided Sergeant Granatier through the map and explained that the event area will be contained to the green area [band Shell with green space], and that orange area to the north, slightly to east, is where they [protesters] are going to appear. Involved Person 1 told Sergeant Granatier, because Sergeant Granatier has

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access to the internet, there will be a larger presence this year. Sergeant Granatier said, oh yes we know that, we have heard the same things, we have heard other people are coming to town, the things going on with the City Hall protest and so forth.

- Involved Person 1 stopped Sergeant Granatier and said; "I wouldn't find it surprising if all the folks from City Hall come down to Pride." Involved Person 1 advised that he didn't know what other reason they would have to come to Hamilton this weekend except that it is Pride. Involved Person 1 advised Sergeant Granatier that she should be expecting a much larger number of folks to show up at that event. Sergeant Granatier advised that they were.
- Involved Person 1 asked Sergeant Granatier if she had a copy of the application, which she didn't respond. Involved Person 1 advised Sergeant Granatier that, "everyone gets a copy, everyone has contacted us, you're the last."
- Involved Person 1 questioned in his head why Sergeant Granatier was calling him, and what the phone call was all about. He didn't understand it. The police have the application, all the information about the event is public, there's a Facebook page. It lists everything, every performance. Involved Person 1 thought to himself, *why are you calling to ask this information I don't understand*. Involved Person 1 just went over all the public information.
- Sergeant Granatier advised that the police would try to be there by 11:30am, if your event starts at 12. Involved Person 1 advised Sergeant Granatier that it would be better if you came at 11 as there are a lot of logistical things the event organizers would have to do starting at 8:00am. Involved Person 1 advised Sergeant Granatier that thirty minutes would not be enough time to meet and talk to you.
- Involved Person 1 talked about where the protesters showed up last year and went over the map. Talked about the white bark trees. Involved Person 1 explained in detail the number of people who showed up last year; about eight or so wielding large placards. Involved Person 1 told Sergeant Granatier that White Nationalist groups, Yellow Vests and others have all been speaking on the internet saying that they were all coming to town this Saturday.
- Involved Person 1 advised that they didn't necessarily say they were coming for Pride, however Involved Person 1 felt it was quite obvious, what else would they be coming for. This [Pride] was the biggest event that opposes their view.
- Sergeant Granatier's last words at the end of the conversation were, 'on that day if you need to call someone you can call me'. Sergeant Granatier provided (905) 546-2949. [Involved Person 1 produced a small piece of paper with the above number and allowed the Investigator to take a picture of same]
- The Investigator asked Involved Person 1 if there was any mention of Special Duty Officers during the conversation with Sergeant Granatier. Involved Person 1 advised that Sergeant Granatier asked that question and he told Sergeant Granatier that Pride hired five Security Officers, they could not afford to hire five Police Officers, nor was that what the Community wanted. It's been a standing status-quo policy on the books

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for at least a dozen years that folks are not comfortable with both armed and uniformed Officers walking around the park.

- Sergeant Granatier had started the conversation with, 'I heard you didn't want to have Uniformed Officers in the park'. Involved Person 1 asked Sergeant Granatier how she heard that. Sergeant Granatier said something about, 'having read so, or having heard so from someone else on the force. Sergeant Granatier had read it and heard it publicly and read it and heard it internally.'
- Involved Person 1 told Sergeant Granatier that was interesting because no one had said that publicly, it was a presumption. Because the application from Police to Pride was about a recruitment booth. There was no application to walk around in uniform. The response to that was no, we are not going to let you have a recruitment booth. Involved Person 1 went on to say, "but in that email it didn't also say, and you can't come wearing a uniform and arms in the park."
- Involved Person 1 advised it may have possibly come from one of our Board Members who had said it in the paper to that effect, but that may not have been reported until two days later. The Board Member was Terri Wallace. Involved Person 1 advised that it could have been reported sooner, but the point is that no one had called Pride and asked the question. It would have been a presumption, however, it was true, but Involved Person 1 was surprised to be asked the question.
- Involved Person 1 advised that he made it painfully clear to Sergeant Granatier that he was talking about the event space, not about the permit space. Involved Person 1 told Sergeant Granatier that the event was being organized in the green space, and that that's where Involved Person 1 is referring to, not wanting to have folks roaming around the event space in uniforms. That is why the map was so important to that conversation. Involved Person 1 wanted Sergeant Granatier to know that was where the event was happening, and this is where we expected police to be [north of the orange area].
- Involved Person 1 told Sergeant Granatier that he expected Yellow Vests and others from City Hall, would walk down Main St., come through Main St. and Gage Ave., walk down the path to the Fountain and show up at the place that they showed up last year.
- Involved Person 1 further advised that as the police he would expect that the police would be north of the orange area [as indicated on the map], making sure they don't come in. Involved Person 1 said that he had that specific conversation with Sergeant Granatier.
- Involved Person 1 made it extremely clear to Sergeant Granatier that there were different areas, and that the Pride event would not be in the orange area. So if police were set up over here [indicating north of the orange area on the map], no one was going to notice them anyway, if you were standing in the park [the green event area], it's so far [to north of the orange area] it's not a short walk.

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- Having things happen over here [in the orange area] isn't necessarily going to disturb the event, where the vendors are all set up. Many vendors were not impacted by what took place all the way over there [orange area].
- The event was deliberately set up that way [having the orange buffer zone to the north].
- Involved Person 1 marked on the map the north vendor locations within the green area.
- Involved Person 1 also advised Sergeant Granatier that there was a tactic that police had used last year that she should be aware of, and make sure everyone knew about. The tactic was that you needed a permit to amplify sound in the park. The protesters showed up last year with microphones and the police had enforced the rule.
- Last year the police moved the protesters back closer to the line where the permit was. There were about as many Police Officers last year as there were people opposing the event.
- Involved Person 1 indicated that someone had taken the protesters microphone cord and ran away with it, however, he could not remember if that was this year or last year.
- Involved Person 1 also advised Sergeant Granatier that SEAT had an application and if she didn't have one to contact SEAT. And that the event site was separate from the protest area.
- The Investigator asked Involved Person 1 if it was clearly articulated to Sergeant Granatier that Officers were not wanted in the green area [referred to map], but wanted Uniform Officers elsewhere?
- Involved Person 1 advised, "I'll put it to you this way, the best way I can, it was my expectation after the phone call was over that Uniform Officers would show up north of the orange area. So how that communication happened exactly I can't recall. I have my notes here, I don't see or recall saying specifically I'm asking you to do X or I'm asking you to do Y. I was very careful in what I said because I was a little taken aback by the comment that we didn't want Uniform Officers there. So I was thinking that through, thinking where did that comment come from publicly, because we had been very careful what we said publicly. My response to her was, along the lines of, you know it wouldn't make sense for us to have Uniform Officers doing security and here's why, and gave her two reasons. But I said, of course that doesn't prevent the police from doing their job. I've been saying that publicly for a long time. And if you're gonna show up around 11:30, I suggest you show up around 11, and I suggest you show up north of the area so you're not impeding the event. And this whole orange area will be free. There's no one in the orange area. Meaning our event won't be in the orange area. So this is our event space [indicating the green area], this is the permit space [indicating the orange area], if you want to come and hang out here and wait for them, by all means go ahead." [Involved Person 1 had notes on his laptop that he was utilizing during the interview]

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- The Investigator asked Involved Person 1 if Uniform Officers were welcome in the orange area? Involved person 1 advised that he "never said that. But what he's saying is like he made it very clear where the event was taking place in the green area, very clear, and said, this other area is not going to be used, they are going to be walking in from Main [black checkered area on the map], so those areas are where you can intercept them. The words I used were like If you are looking to intercept these people to prevent them from coming into our permitted areas, then obviously the place you would stand is where you would expect them to come. It was more like kind of obvious; hey you would stand there because they're coming from this direction. If you also stand over here if they come from that direction you will also catch them coming" [indicating northeast on the map].
- The Investigator advised that it is very important what exactly was articulated to Sergeant Granatier, reviewing with Involved Person 1 that he had provided information as to where the protesters had arrived and congregated in 2018 [orange area near white bark trees]. The Investigator asked if there was a specific request or instruction from Involved Person 1, or an articulated plan reiterated back to Involved Person 1 from Sergeant Granatier regarding the plan, example: *we are going to be north here, that is where our uniform people are going to be*. Was there any sort of meeting of the minds; as it seems unclear? Involved Person 1 advised that, "it was unclear because again, he was taken aback by this phone call, because he didn't understand why he was being called. All the questions he was being asked was public information. It feels very strange to be called in the first place. I'm not being a hundred percent clear in the phone conversation about everything, and when I get to this point I feel like I'm being asked questions and I don't understand why I'm being asked them, because it's not my job to tell the police what and what they can't do. All I said was that I wanted to make that very clear. I said to Sergeant Granatier I can't tell you what to do, it's not my job to tell you how to do your job. If a huge crime is being committed in the event area and you're going to show up and stop that crime from being committed or stop that crime. That's your job. However, we don't want you to have a recruitment booth, and we don't want armed and Uniformed Officers walking around the park. Those things were made clear through the conversation. I am not saying I said that explicitly except to say the things that were obvious. We did talk about the area here and said that this area here is not going to be used. This is an area where they are expected to come, and if you are looking to intercept people this is the area here where you should be in the black area. Sergeant Granatier said okay we will show up around 11:30 then. I said you should show up around 11 if you are going to be doing that. So it was clear from the conversation without me explicitly saying so, that we didn't want to have folks in the event space, the green area, but we didn't also say this is where you're permitted. I made it clear because it's not my job to tell you how to do your job. We can't give permission. We were just reinforcing our view that we didn't want a recruitment booth, and we didn't think it was appropriate to have Uniform Officers in the event space. I made it clear you would know what the event space was because she asked the question where is the event space. This is where the map came in. I told Sergeant Granatier that the event space was in the green area. She said the green area? And I said yes, if you don't have a copy of the map let's get a copy of the map. She got a copy of the map and I walked her through although this is a permit area it is not where the event is taken place." Involved Person 1 advised that "he did not know what Sergeant Granatier supposed when he said that. But he made it very

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clear that he wasn't telling her where to be. Just saying that we didn't want armed Uniform Officers in the event space or a recruitment booth. That's about as clear as I can be."

- Involved Person 1 was a volunteer, not an organizer last year at the 2018 Pride Festival. Last year 6 to 8 protesters attended the Festival. The on-site security responded. The police also responded and were there quite quickly.
- The protesters remained for about an hour. Both protesters and Pride attendees had banners.
- Involved Person 1 suggested that the Investigator review the 2018 Dunnville Pride Festival OIPRD investigation [Involved Person 1 provided the Investigator with an electronic copy of the OIPRD report]
- Involved Person 1 indicated that he did not spend a lot of time near the protesters in 2018 as he had work to do in the Festival; however, he advised that there were some types of struggles and assaults with protesters at the 2018 Hamilton Pride Festival.
- Police were on site early in 2018 and contained the protesters. There were some scrapes and cuts, but Involved Person 1 did not know what caused them. Involved Person 1 just heard about them anecdotally, he didn't see any of that.
- The protesters put up a website mentioning their tour of Canada. So everyone knew they were coming in 2019.
- Involved Person 1 was near the washroom area of the park when he received a call on his walkie-talkie that protesters had arrived. Involved Person 1 made his way over to the protest area.
- It was a little confusing. There was a black fabric wall and Involved Person 1 did not understand what was going on at first.
- Involved Person 1 could see the religious protester's 12 foot banners.
- Involved Person 1 arrived at the protester area five minutes after getting the call on the radio.
- It was the same banners and people from the previous year. There may be more, it was hard to tell.
- Involved person 1 advised he was concerned for his people's safety, at the same time he was trying to make observations to identify the protesters.
- There were approximately 75 Pride volunteers in the park assisting with the event. The volunteers were wearing red shirts. Involved Person 1 was looking out for the volunteers.

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- Involved Person 1 recalled seeing Involved Person 2 near the protesters.
- Involved Person 1 was a little embarrassed that he did not know the purpose of the black banner / curtain.
- The people holding the banner were wearing pink masks.
- Involved Person 1 realized that the persons wearing the pink masks were standing in opposition of the protesters.
- Involved Person 1 believes it was approximately 12:30pm or 1pm at this time.
- Involved Person 1 made observations of the other side of the curtain. There was a lot of shouting. The people on the curtain were trying to keep the protesters away from the event. There was a lot of motion.
- The religious group broke up a little and moved around the orange area.
- A protester by the name of [Involved Person 13] was pushing and shouting and ends up throwing punches at people.
- A protester with the helmet started swinging his helmet. The protester is known as [Involved Person 11]
- The leader of the protesters is on a mega phone.
- Involved Person 1 stays back and observes people coming out of the area injured. Blood dripping down their face.
- Medics that were hired by Pride were on scene and assisting people. Involved Person 1 had to leave the area at that time to assist with providing vendors with change. Involved person 2 was present at the scene.
- Involved Person 1 felt that the police had a ton of space in order to do their job. Involved Person 1 told Sergeant Granatier, "nothing you do is going to interfere with this event; you have a ton of space to do your job."
- Involved Person 1 recalled that he had the piece of paper with Sergeant Granatier's phone number. Instead of calling the number Involved Person 1 approached two Officers who were standing in the orange area south of the protest area. Involved Person 1 described the Officers as 30 to 50 feet away and they were observational.
- The Officers were Acting Sergeant Sorbara and Constable Vilika Zafirides. However, Involved Person 1 believed at first that Constable Zafirides may be Sergeant Granatier. After learning that she was not, Involved Person 1 advised that he was going to call Sergeant Granatier's number.

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- Constable Zafirides advised not to as Sergeant Granatier was not working today. Involved Person 1 advised that he was irritated as Sergeant Granatier told Involved Person that she would be working that day.
- Involved Person 1 is seeing people shoving and being beat up and there's no police anywhere. Then Involved Person 1 sees Officers Sorbara and Zafirides. Sergeant Sorbara was on the phone. Involved Person 1 engages Constable Zafirides and she directs Involved Person 1 to speak with Sergeant Sorbara.
- Sergeant Sorbara advised that we are not equipped to deal with this and he was calling in backup. Involved Person 1 told Sergeant Sorbara that he found that shocking and surprising as he had told the police what to expect and he did not know why they [police] were not here.
- Involved Person 1 also said to the Officers, I don't why the two of you are standing back, from what's happening here?
- Involved Person 1 also said to the Officers, if I can walk over there why can't you? You have a gun and a uniform. If I can walk closer to the event to witness what is happening, why can't you?
- Involved Person 1 advised that when he first approached the protest area he spent approximately 10 minutes making observations, he then left to deal with getting money to vendors which took approximately 5 to 10 minutes. It is when he returned the second time that he had the conversation with Officers Sorbara and Zafirides.
- Involved Person 1 then corrected himself and advised that he had the conversation with Officers Sorbara and Zafirides before going on the money detail.
- Involved Person 1 advised that he could not remember the exact timelines of the events; however, he does recall the conversation very clearly.
- Involved Person 1 advised that Involved Person 2 was there the entire and may have a better sense of the timeline.
- The black curtain was south of where Involved Person 1 was speaking to the Officers.
- Involved Person 1 advised that there were approximately 100 people near the protest area.
- People wearing pink masks, people with the preacher signs, other random people, Pride goers who brought their own signs and all kinds of folks.
- There were more protesters than last year, but not up to 20 when Involved Person 1 first arrives on scene [approximately a dozen]. However, more show up, Canadian White Nationalists, Yellow Vests, and random opposers. Numbers grow to 30 or 40.

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- When Involved Person 1 returns after his vendor run people are being tended to by EMS. There are still only a few Officers, but a couple more Officers appear to be arriving.
- Police show up and they're able to walk them out.
- There were approximately eight people in pink masks holding the screen [black curtain].
- Involved Person 1 was unable to provide a number for other people who may be associated to the persons holding the curtain as it was very chaotic.
- Involved Person 1 advised that he observed the assaults the first time that he was on scene, and when he returned the second time he observed the medics tending to the injured.
- Involved Person 1 did not know where Officers Sorbara and Zafirides where when he returned the second time.
- Involved Person 1 cannot see Officer Zafirides, but he can see Officer Sorbara walking around, but he does not know what Officer Sorbara was doing.
- Involved Person 1 was talking to people on his way back to the scene the second time and as a result believes he may have been gone longer than he first mentioned.
- There appear to be other Police there at this point. This is about 30 to 40 minutes after it all starts [when Involved Person 1 received the call on his radio].
- Involved Person 1 speaks to some Officers that appear to be in charge. Higher rank than Officer Sorbara. Involved Person 1 did not know who they were.
- Involved Person 1 asked two other Officers to remove the protesters from the permit area [orange area].
- When Involved Person 1 spoke with Officers Sorbara and Zafirides the first time he did not recall seeing anyone near them that was bleeding, though there may have been.
- When Involved Person 1 returned the second time he recalled seeing three or four people bleeding. Bloodied faces and lacerations to the nose etc. There was also a leg injury, unknown if it was broken. Event medics were on scene, no other EMS was in attendance.
- The Police seemed "clueless." Involved Person 1 had to explain the permit and bylaw rules.
- Involved Person 1 asked a ranking Officer what he was doing. The Officer told Involved Person 1 that the religious group wanted to leave.

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- Involved Person 1 had to leave at that time to tend to more event chores. When he returned there were a lot more people and more Officers.
- Involved Person 1 received information that there may be other protesters on the other side of the park near Lawrence Rd who may come into the park from the back. Involved Person 1 met up with event private security and several event volunteers and walks to Lawrence Rd. to investigate. Involved Person 1 did not see any protesters.
- The situation with the protesters in the park had now concluded. Involved Person 2 and a number of Police Officers were in the parking lot at the south end of the park. Involved Person 2 called for Involved Person 1 to come over to speak with the Officers.
- Involved Person 1 met with Superintendent Schulenberg, Staff Sergeant Miscione, Acting Sergeant Sorbara and Staff Sergeant Groombridge. Involved Person 1 believes that Staff Sergeant Miscione may be the 'ranking Officer' he spoke with earlier near the protest area.
- Superintendent Schulenberg advised that though people were walked out and it's over, he was concerned that the Yellow Vests may start walking through the event and cause trouble in the event space.
- Superintendent Schulenberg asked why Special Duty Police were not utilized. Superintendent Schulenberg did not directly ask that question, it was more like, did you consider using Off Duty Officers? Involved Person 1 explained what he explained to Sergeant Granatier on the phone.
- The president of the private security company was also present [Canadian Protection Services].
- Involved Person 1 was frustrated that he was having this conversation with Superintendent Schulenberg discussing what may happen next. Involved Person 1 did not have the time to discuss what may happen next.
- Staff Sergeant Miscione said, did you consider that none of this would not have happened if you had given us a recruitment booth and if we could have been in the park and deployed differently.
- Involved Person 1 explained that Officers were not welcome in the event space and that they couldn't afford to hire Officers.
- Superintendent Schulenberg advised that he was going to leave the Organizers with the other Officers present and he left. Involved Person 1 felt this was irresponsible.
- He said, we will leave you with Staff Sergeant Groombridge and Acting Sergeant Sorbara who will take your information down. Involved Person 1 questioned why the police would take down his information.

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- Involved Persons 1 and 2 provided their information to Police. Officers Groombridge and Sorbara began to give an analysis, opinion that a guy in a pink mask was making it worse. Involved Person 1 felt that this was not the time to be having this conversation.
- Involved Person 1 described the conversation as 'chippy' on both sides.
- Involved Person 1 excused himself and attended back to his duties.
- Involved Person 1 was flagged down by a Medic who advised him that people were concerned that the Police were all in the event space.
- There was a group of police standing behind the history wall [east side of the event green space].
- Involved Person 1 recognized one of the Officers, known to him as Franklin [Loppie].
- Acting Sergeant Loppie was with a female Officer and two other Officers. Involved Person 1 advised Acting Sergeant Loppie that he recognized there was a concern by the police that the Yellow Vestors may return, but he did not see any around.
- Involved Person 1 advised the Officers that considering what just happened that the Police presence would just make people feel uncomfortable and asked the Officers to stand outside the event space. The Officers left the event space.
- Involved Person 1 indicated that there may have been a compromise regarding boundaries the Officers would occupy, however, he could not remember fully what was discussed. It was a friendly chat and everyone was agreeable.
- Involved Person 1 described the area as noisy with, performers and a group of people drumming etc.
- Involved Person 1 called Superintendent Schulenberg on June 20th to obtain information relating to the Officers that were present on June 15th to help him with his notes.
- Investigator asked Involved Person 1 if he could provide him with a copy of his notes. Involved Person 1 declined.
- Police took 20 to 40 minutes to arrive from when things started. Involved Person 1 knows that there were Officers in the parking lot on Lawrence Ave.
- Involved Person 1 feels that there was no possible way that the Hamilton Police Service did not know exactly what was going to happen.
- Involved Person 1 advised if you call Pride / him and ask what is going to happen, that he would literally tell you what was going to happen. And exactly that thing happens.

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"Your choice to deploy differently doesn't really add up in any meaningful way, it doesn't make sense."

- Involved Person 1 found it hugely offensive, given that the Police had previously spoken to him, and that the Police would make it seem like they were unaware of what was going to happen at Pride.
- Involved Person 1 believed that the Police should not have been located in the Lawrence Ave. parking lot and felt that the Hamilton Police Service disregarded his advice.
- Involved Person 1 believes that the Police should apologize and determine what they did wrong.
- Involved Person 1 feels that police did not take note of what happened in 2018
- Involved Person 1 advised again that he was painfully clear in his description to Sergeant Granatier on the phone about exactly what the Police needed to do if they wanted to prevent there from being violence, where they needed to be north of the event space and when they needed to be there. Had they just taken Involved Person 1's advice this could have been avoided.
- This was also clear in the SEAT application.
- Involved Person 1 advised that he / Pride does not want to be held accountable for this later on.
- Involved Person 1 did not make any 911 calls during the protest / disturbance / assaults; including after receiving information, following the departure of the protesters, that they may be returning to the park via Lawrence Ave.
- Involved Person 1 indicated that Acting Sergeant Sorbara and Constable Zafirides were present in the area, however, he did not know if Police were present on scene during the violence which was later depicted on the news. He advised that Involved Person 2 would know.
- Involved Person 1 could not recall victims or complainants presenting to Police to report an assault. Nor did anyone present to Involved Person 1 looking for assistance in making a report to Police.
- When asked if there was a plan or gateway for anyone wishing to reach out to make a report of an injury or assault, involved Person 1 advised that there was no plan. People would know the means available to them. The Police were vocal on how to get in touch with them. That wasn't their [Pride's] function.
- Involved Person 1 advised he could not remember, then followed up with 'not really' when asked if there was any conversation with Staff Sergeant Groombridge, Staff Sergeant Miscione, Acting Sergeant Sorbara or anyone else regarding anyone wishing

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to come forward that they could do so through the Pride organization. Involved Person 1 went on to say that he was not sure what Acting Sergeant Sorbara said, as Sorbara was speaking to Involved Person 2.

- Involved Person 1 then advised that the conversation did take place. There was an incident number if someone wanted to report something. The offer was there.
- Involved Person 1 finds it incredible that no one from the Police had reached out to him or Involved Person 2 for a statement until now, after an OIPRD complaint.
- Involved Person 1 advised that he had a Police incident number on a business card provided by Acting Sergeant Sorbara. [Involved Person 1 provided a picture of the card to the Investigator]
- Involved Person 1 advised that he did not receive business cards from any other Officers.

Review Statement of Involved Person 2:

The following is a summary of Involved Person 2's statement. The statement was provided to the Investigator on September 24, 2019 at the Professional Standards office and was audio recorded:

- Involved Person 2 is a Pride Festival Organizer and a member of the Pride Festival Board of Directors. Involved Person 2 was present at Gage Park on June 15, 2019.
- Involved Person 2 was also in attendance at the Gage Park Pride Festival in 2018.
- In 2019 Involved Person 2's responsibilities included being the head of the vendors market.
- Involved Person 2 was not wearing a Pride organizer T shirt on June 15, 2019; however, she was wearing a badge and was carrying a clip board. Vendors and Police knew who Involved Person 2 was.
- Involved Person 2 indicated that there were approximately 100 volunteers assisting at the event.
- Involved Person 2, Involved Person 1 and Involved Person 3, who was in charge of the entertainment, were three of the key people in attendance.
- On the volunteer side the two go-to people would have been Involved Person 4 and Involved Person 5.
- Involved Person 2 indicated that she had reached out and organized the private security for the event.

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- Involved Person 2 indicated that there is an ongoing issue between the Pride Community and the Police through Canada and the United States.
- The Board tried hard this year to work with the Police to find a comfort between both groups.
- The Board met with the Police in April. Involved Person 2 felt that was too late for anything to happen.
- The way things were left in April was that it was too late in the game to have the Police come in to Pride. It was too late to move on with the Community. Pride would have to go back to the Community; there were too many other things to do. It was left with, 'we are going to have to wait on this'.
- Involved Person 2 had no information regarding any plans to have a Police presence at the event for security purposes. It was too late in the game and Pride needed to find a security team [private security].
- Involved Person 2 was not aware of any discussions regarding Paid Duty Police Officers. Costs would have also been a factor in considering Paid Duty Officers.
- The general sense is that there is a discomfort with the uniform for a lot of patrons.
- Involved Person 2 had no information in advance of the event regarding the call that Involved Person 1 had received from the police, relating to what role the Police would play.
- There was a debrief the next day after Pride, and that's when Involved Person 2 learned that there had been a call between Involved Person 1 and the Police leading up to Pride.
- Involved Person 2 advised that Pride was putting Police on hold until a later time and that they were hiring private security.
- Involved Person 2 recalled receiving the map of Gage Park and deciding what parts of the park would be utilized for the event as they had to pay for them. Involved Person 2 was very vocal about what parts of the park they would use based on her experience from last year and that advice was taken.
- Involved Person 2 reviewed the Gage Park 'Spaces Available Map' with the Investigator and identified the following areas which were utilized on the day of the event. The orange 'picnic area 3' was utilized with vendors. The green area [Band Shell] was the main area. The purple [picnic area 2] and they may also have booked the red [memorial Garden] area, but was unsure if the red space was actually paid for.
- The orange, green and purple were the main areas.

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- The Investigator asked Involved Person 2 if there was any strategic reason for having the orange space. Involved Person 2 advised that it was a visual wide open space. Most people congregate in the orange and green area.
- Involved Person 2 was present in 2018 when protesters attended the Pride event. It was the same religious group with religious signs that attended in 2018, that also attended in 2019. The younger kids from Pride engaged with the group. There were approximately 10 protesters in 2018.
- It was verbally aggressive in 2018, but this year was scary. There was pushing in 2018, however, Involved Person 2 did not recall anyone being hurt. People were traumatized by the things that were being said.
- Using the map, Involved Person 2 indicated that the protesters attended the same location in 2019, as they had in 2018. Involved Person 2 pointed on the map to the area east of the fountain and north of the orange area. Involved Person 2 believed that the protesters did not come into the area that Pride had paid for.
- Involved Person 2 did not have any information that the orange area was obtained for the purpose of keeping a buffer between potential protesters and the Festival proper.
- Involved Person 2 advised that the buffer was not a consideration. The orange area was chosen because in 2018 there were fire breathers and other entertainers in the orange space. It had nothing to do with where the protesters were going to be.
- In 2019 the event ran from noon until 6pm. There was a vendor market, a food area, a family and youth section, a beer tent and the band shell. There were 85 vendors in total. There is entertainment and performers that ran the entire time. Approximately 3000 attendees throughout the day, and there is no charge. Community drummers were present to help drown out the protesters.
- The event was not that noisy; however, if you were in the main event area you may not hear or see the protesters.
- There may have been 2200 people present between 12pm and 2pm.
- Involved Person 2 advised that the protesters returned in 2019. Involved Person 2 took 30 photos with her cell phone. The first photo is time-stamped as 1:10pm. However, Involved Person 2 is unsure whether she took the photo when she first arrived at the protest site or ten minutes or so after.
- Involved Person 2 declined to provide the Investigator with copies of the photos at this time.
- Involved Person 2 was on scene and advised the 'shit has hit the fan'. Involved Person 2 was scared this year.

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- By the time Involved Person 2 arrived on site they had, what are being called today, the Pride defenders, who came with a big black fabric. They were coming into place and positioning themselves as Involved Person 2 was arriving on scene.
- Involved Person 2 believes that the protesters had been there for at least 10 to 15 minutes. The young people were already engaged.
- Involved Person 2 recalled learning of the protesters via the walkie-talkie.
- Involved Person 2 described one of the protesters as the 'helmet guy', and indicated that this male appeared under the influence of a drug(s) and was crazed. The situation was very overwhelming.
- When Involved Person 2 first arrived they (defenders) were working on getting the screen up. Involved Person 1 was ahead of Involved Person 2.
- There was another volunteer with Involved Person 2 possibly named [Involved Person 6].
- Involved Person 2 recognized some of the religious protesters from the previous year, with the same signs. There was yelling and screaming, members of Pride were yelling back at them. The black fabric screen moved into place. There was agitation between the protesters and the Pride defenders.
- The protesters were spread out. There may have been 20. Someone had gotten hurt, pushed to the ground. Involved Person 2 followed Involved Person 1 to go talk to a Police Officer. There were waves of fighting.
- Involved Person 2 indicated the violence that was depicted on in the media was about to happen. However, Involved Person 2 advised that she was not a witness to the assaults by the helmet guy that was shown in the media. It may have been taking place when she was there; however, there was just too much going on.
- Involved Person 2 advised that she has seen the events on social media so many times that she is not sure if she actually witnessed some of the violence when she was on scene or if she is now recalling it from witnessing the social media following the event.
- Involved Person 2 recalls a male who had been hit in the face, but is unable to recall exactly how he sustained the injured.
- Involved Person 2 believes the protest was taking place in the same general location as last year.
- Involved Person 2 recalled there being a male and female Officer present when she arrived. They were on the outskirts standing back watching. They didn't know what to do.

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- Involved Person 2 was asked if there was anyone near the Officers that may have been injured. Involved Person 2 recalled a person trying to talk to the male Officer. Involved Person 2 could not recall if that person was injured.
- Involved Person 2 recalled being nearby when Involved Person 1 was trying to talk to the male Officer. Involved Person 2 did not have any conversation with the Officers.
- The Officers were 50 to 60 feet south of the protest and they could see what was happening. There was pushing and shoving going on and a lot of verbal assaults at that time.
- Involved Person 2 advised that they were not getting any feedback from the Officers.
- Involved Person 2 advised that it was hard to say how long the Officers remained in that position as she had moved up in front of the fabric to see what was happening.
- Involved Person 2 believes she may have seen the Officers again in the lineup formed between the two opposing groups. At one point there were 50 Officers.
- Involved Person 2 was unsure of her arrival time at the scene. She took her first photo at 1:10pm; however, she is not sure if she took the photo when she first arrived or ten minutes after her arrival.
- Involved Person 2 did not have any conversation with the Officers; however, she believes she may have overheard conversation between Involved Person 1 and the Officers. However, she could not recall what was said.
- The Officers were not interested in having any conversation with us. A male Officer was on a walkie-talkie, he may have said, "hold on I'm busy I'm talking to somebody."
- The private security was not really able to do anything.
- Things got worse. The protesters were yelling so much. The youth were not taking this. They're back and forth. There was a lot of pushing. The vibe of it all got aggressive.
- The Police show up at one point. They were separating people and stopping it from getting any more physical. The Pride defenders were there and there's a lot of aggression going on all over the place.
- According to Involved Person 2's phone she starts seeing a strong police presence at 1:36pm. Though there were other Officers trickling in before that.
- Involved Person 2 believes that the event lasted about 40 minutes from when she first arrived.

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- Involved Person 2 advised that she took a bunch of photos at 1:10pm. At 1:20pm her photos show more police present, 6 Police Officers. 1:36pm there is a lineup of the full Police. At 1:42pm the protesters are marched off by Police.
- Once the protesters left Involved Person 2 received information via her radio that there were protesters [Yellow Vesters] now coming at the south end of the park (Lawrence Rd). However, Involved Person 2 did not see any protesters at this location.
- Involved Person 2 later met with a Police Supervisor and other Officers at the south parking area of the park.
- The Supervisor wanted to have a conversation and asked if Involved Person 2 was in charge. Involved Person 2 alerted Involved Person 1 and they both met with the Supervisor.
- The Officers took their information. One of the Officers made a remark that Involved Person 1 needed to cheer up, or be less stressful [or something similar]. There were remarks about the recruitment booth. Involved Person 1 responded that this was not the time or place to be discussing this.
- Involved Person 2 recalled an Officer asking if they had not thought about hiring Officers as paid duties.
- Involved Person 2 had received a business card from Acting Sergeant Sorbara. Acting Sergeant Sorbara may have advised something along the lines if anyone wanted to come forward to make a complaint to do so by referencing the incident number on the card.
- Involved Person 2 was agitated and had other responsibilities to tend to in the event.
- The Police advised that they would have a couple of Officers riding their bikes around the park to make sure everything was fine. Involved Person 2 felt like they were done now, no one was milling about; we were safe to carry on.
- Involved Person 2 is not aware of any Officers, post disturbance, patrolling the event. Nor is she aware of any Officers being asked to leave.
- Involved Person 2 advised that Involved Person 7 is not involved at all with the Pride Festival. He was involved last year, but not this year. Involved Person 7 was on the Board but stepped down well before the event took place.
- Involved Person 2 advised that she did not want to provide last names or contact information for Involved Persons 3, 4, 5, or 6; however, she would reach out to them on the Investigator's behalf.
- Involved Person 3 was stationed at the band shell, Involved Person 4 and 5 are in charge of the volunteers, and Involved Person 6 was present at the disturbance. Involved Person 6 witnessed a lot of what took place.

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- Involved Person 2 was concerned that though there was an operational plan, it seemed to take a fair amount of time to get enough Officers there in force.
- There was an operational plan and a conversation in advance that there would be Officers there. A vendor in the morning did see a Police Officer in the parking lot at the complete opposite end of the park.
- Involved Person 2 asked the Investigator if there was an operational plan, and was it not put into place for some reason.
- In recalling the events Involved Person 2 questioned what she actually witnessed at the scene compared to what she may have witnessed on social media.
- Involved Person 2 advised that, "it is not so much if the Police showed up fast enough, the real question is was the Police pissed off with us because we wouldn't give them a recruitment booth, and they intentionally did not service us properly."

The following is a summary of a follow up statement with Involved Person 2. The statement was provided to the Investigator on October 1, 2019 by phone and was audio recorded:

- Involved Person 2 has not had an opportunity to reach out to the four organizers mention during her September 24th interview.
- Involved Person 2 provided the Investigator with a copy of the 2019 Pride Festival Programme.
- Involved Person 2 advised that she still has not decided to provide the Investigator with a copy of the 30 photos taken during the disturbance at Pride, because of some of the people who are captured in the photos.
- The Investigator reviewed with Involved Person 2 the Gage Park Spaces to Rent map which was referenced during the September 24th interview.
- The Investigator asked Involved Person 2 if the orange triangle shaped area near the Fountain was deliberately obtained to build buffer zone; a buffer between the event proper and any protesters who may attend?
- Involved Person 2 advised no. To her knowledge that was never really discussed allocating space based on the protesters being there. Involved Person 2 went on to say that we [Pride Organizers] based it on we're holding an event; this is how much space we need. We took spaces out because we didn't feel we needed to spend the extra money for space we were not going to use.
- Involved Person 2 did not recall any conversation relating to getting more space to keep the protesters away.

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- The Investigator asked Involved Person 2 if there was any talk that the orange area would be free from the event, that it would not be involved in the event proper?
- Involved Person 2 advised that there was no talk of getting a space to keep protesters away, that conversation was never had. The orange space was obtained because the Festival wanted the full roaming space. There may have been entertainment in that space. Last year the Festival had fire breathers, magic shows and a DJ in the orange area. The orange area is useable space for the event itself. If that was the case they would have taken the whole park and the protesters would have to stay on Main St. The Festival wanted people to be in that space.
- Involved Person 2 described this year's disturbance taking place in the area north of the orange space and east of the Fountain. [referencing the Gage Park Spaces to Book Map]
- Involved Person 2 confirmed that she would contact the four organizers that the Investigator wanted to speak with. If they are interested then Involved Person 2 will give them the Investigators contact information for them to contact the Investigator directly. Involved Person 2 is still considering whether to share the 30 photos.

On October 16, 2019, Involved Person 2 contacted the Investigator via email and provided the following additional information:

- Involved Person 2 advised that she had contacted potential witnesses Involved Person 3, 4, 5, and 6. Involved Person 5 is the only one interested in speaking with the Investigator at this time. No contact information was provided to the Investigator; Involved Person 5 will contact Investigator.
- Involved Person 2 also advised that she had returned to Gage Park over the weekend, reading the exact location of the protest. Involved Person 2 is confident in recalling to location of the protest and has provided a copy of the Gage Park 'Spaces Available Map' with an X indicating where the majority of the protest occurred.

The following is a summary of a follow up statement with Involved Person 2. The statement was provided to the Investigator on November 12, 2019 by phone and was audio recorded:

- The Investigator asked Involved Person 2 if she could recall which Officer mentioned recruitment booth during Involved Person 1 and 2s meeting with the Police following the disturbance. Involved Person 2 was unable to recall which Officer mentioned recruitment booth, nor could she provide the context of the conversation. Involved Person 2 did, however, recall Involved Person 1 say that this was not the time or place.

Review Statement of Involved Person 16:

The following is a summary of Involved Person 16's statement. The statement was provided to the Investigator on November 13, 2019 via the phone and was audio recorded:

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- Involved Person 16 was present at the Pride Festival at Gage Park on June 15, 2019. Involved Person 16 was the first to call 911 at 12:50pm.
- Involved Person 16 indicated in the call to 911 that an anti-LGBTQ group was walking into Gage Park, it is going to end up badly. People are going to get upset.
- Involved Person 16 observed the group arriving from the area of Maple Ave. Involved Person 16 had a brief conversation with the group advising them that maybe this wasn't a good idea. She advised the group that it is not the time at this Festival to convey your viewpoints.
- The group consisted of approximately 15 religious based protesters. There were no Yellow Vests at that time. The group stood in a line in the park from approximately 1pm to 1:20pm. The group remained in the north-easterly end of the park 300 or 400 meters from Maple Ave.
- Involved Person 16 recalled seeing the persons with a tarp tucked back near a tree line in the park when she first arrived. Involved Person 16 believed it may have something to do with a croquet game. Their faces were not covered at that time. But were covered later.
- The black tarp was erected to cover the posters. There was an individual with a speaker saying hateful things. A person approached with an airhorn and put it close to the face of the individual with the airhorn.
- The guy with the airhorn looked like he shoved the male with the speaker and that's when it seemed like the fight broke out.
- The police were pretty well right there when the physical violence started. It lasted about 5 minutes. The police showed up and wouldn't let anything else happen, even when it was verbally aggressive, they shut that down. The police jumped right in. They were not watching the fight happening.
- The yellow Vests showed up at the end of the fight. When they became verbally aggressive they were shut down pretty quickly.
- Involved Person 16 was still present when the group was escorted out of the park.
- Involved Person 16 felt that the police handled the situation the best way they could while trying to respect the boundaries.
- Involved Person 16 believed the police were present dealing with the situation when the guy with the helmet struck someone. Involved Person 16 believed the police quickly grabbed him.

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Review Statement of Involved Person 17:

The following is a summary of Involved Person 17's statement. The statement was provided to the Investigator on November 13, 2019 via the phone and was audio recorded:

- Involved Person 17 was present at the Pride Festival on June 15, 2019 and had called 911 at 1:09pm.
- Involved Person 17 had advised the call taker that the protest was getting violent now. People were getting punched. She can see 4 Police Officers coming.
- Involved Person 17 had arrived at the park at noon and was working as a volunteer at the Festival.
- Involved Person 17 advised that the protest group arrived around 12:30pm.
- Involved Person 17 watched the group from her booth, then made her way over when she called the police.
- Involved Person 17 could not see any Uniform Police.
- The protest group were holding religious signs.
- The religious group showed up first. Before the Yellow Vests.
- Involved Person 17 advised that she made the call while on route from her booth to the protest area and that the violence had already started. A tarp was erected at that time.
- Involved Person 17 advised that the Religious group were mainly holding signs and standing pretty stoic and the Yellow Vests were the ones being violent. People were spraying silly spray on them (Yellow Vests).
- Involved Person 17 hung up the phone with the dispatcher and walked toward the police and said, people are being punched over there.
- The four officers were walking toward the disturbance. They were 100 ft or so away from the disturbance when Involved Person 17 first saw them. The female Officer said, well people punch people what are we going to do. Involved Person 17 said, stop them. The female Officer responded, there is only four of us we can't do anything.
- Involved Person 17 walked away. The Officers were standing afar watching the scene.
- Involved Person 17 is unaware if or when the Officers made their way to the screen / tarp as she returned to her booth.
- Involved Person 17 provided the Investigator with photos and 2 videos that she recorded at Pride during the protest / disturbance.

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Review Statement of Involved Person 18:

The following is a summary of Involved Person 18's statement. The statement was provided to the Investigator on November 13, 2019 via the phone and was audio recorded:

- Involved Person 18 is associated to the private Security Company contracted to provide Security for the Gage Park 2019 Pride Festival.
- Involved Person 18 advised that there were 5 Security Officers present at the Festival.
- The Security Officers were to provide a Uniform presence at the Festival and to look after the beer garden and the stage area. One Supervisor was charged with walking around and making sure everything was good with all the vendors.
- Involved Person 18 advised that the Security came over the air indicating a disturbance taking place at Gage Park. Involved Person 18 provided instructions for the Security Officers to stand down and not become involved, as that is not their contractual obligation.
- Involved Person 18 advised that Involved Person 1 was directing the Security to break up the fights. Involved Person 18 refused to have his Officers involved.
- The Police and POU Unit were also on scene.
- Involved Person 18 attended the Park following the dispersement of the protesters.
- Involved Person 18 was present when Police Supervisors and POU were speaking with Involved Person 1. There was a female organizer present also.
- The female organizer was screaming that the Security Company did not do their job properly.
- Involved Person 18 advised that the police kept their composure, however, Involved Person 1 was a little irate.
- A Staff Sergeant from the East End was discussing the Operational Plan.
- Involved Person 1 mentioned not wanting a Police recruitment booth being set up and that is why he did not want Police there altogether. Involved Person 1 was the one who brought up the subject of a recruitment booth.
- Involved Person 18 advised that the Police response to the recruitment booth comment was; that one does not have anything to do with the other. The Sergeant explained that the operational department is completely separate from the recruitment department internally.

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- Superintendent Schulenberg arrived. He was very calm and explained the situation similar to how the Sergeant did. Superintendent Schulenberg advised that assets would be remaining in the area to make sure this did not continue through the day.
- Involved Person 18 believes two of the Security Officers were present near the scene of the protest.

Review Statement of Involved Person 19:

The following is a summary of Involved Person 19's statement. The statement was provided to the Investigator on November 13, 2019 via the phone and was audio recorded:

- Involved Person 19 is a Supervising member of the Private Security Company contracted for the Pride Festival at Gage Park on June 15, 2019.
- Involved Person 19 was present at the Festival from 11am to 7pm. Involved Person 19's role was to supervise the other 4 Security Officers. Involved Person 19 detailed his Officers to the bandshell and vendor areas.
- Involved Person 19 was present at the bandshell when he was informed by some of the event organizers of a disturbance taking place at the northeast corner of the park.
- Involved Person 19 made his way to the area of the disturbance arriving on scene at approximately 1pm. There was an ongoing clash between Pride attendees and a group that had shown up to protest the activities.
- There were no Police Officers on scene at that time. The Police arrived approximately five minutes later.
- There were people with megaphones shouting back and forth and some scuffles happening. People were throwing punches and attacking one another.
- Involved Person 19 kept his distance, as did the organizers, until Police arrived.
- The Police arrived within 5 or 10 minutes after Involved Person 19's arrival.
- Involved Person 19 estimated that the fighting lasted about 5 minutes after his arrival. But may have been taking place prior to his arrival. Involved Person 19 has video that he captured.
- There was a bunch of different little bouts taking place with 2 to 3 people in each one.
- The Police arrived when it was going on and were able to effectively disperse most of the crowd, and start to set up a barrier between the two groups.
- There was also a group dressed in black with pink bandana's utilizing a big black tarp. They deployed the tarp to shield the protesters from the attendees.

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- The first Police Officers to arrive consisted of approximately 5 or 6. Within about 10 minutes of that most of the POU were there. A Police wall was formed and approximately 30 minutes later most of the protesters were escorted out.
- Involved Person 19 advised that at no time did he observe someone being physically injured and the Police not reacting.
- Involved Person 19 advised that the Police response was fairly quick with the first few Officers arriving on scene, and within 10 to 15 minutes the Police had pretty much surrounded the park. It was a very large response. They deployed rapidly.
- The fighting that Involved Person 19 witnessed did not include persons wearing Yellow Vests.
- Involved Person 19 was present when the Police met with Involved Person 1 following the disturbance. A Superintendent showed up to explain to Organizers what the plan of action was. There appeared to be a degree of hostility between the Organizers and Police. Confusion whether the Police were welcome on the site and whether they should have responded in the manner that they did. What the plan was going to be for the rest of the day in order to prevent further confrontation.
- Involved Person 19 was present only for a brief time during the conversation, at which time he stepped back and Involved Person 18 became involved. Involved Person 19 did not recall any conversation relating to a recruitment booth.
- Involved Person 19 advised that he was the only Security Officer that attended at the protest area. The other Security Officers were at the vendor area.

Review Statement of Involved Person 20:

The following is a summary of Involved Person 20's statement. The statement was provided to the Investigator on November 14, 2019 via the phone and was audio recorded:

- Involved Person 20 is a member of the Private Security Company contracted for the Pride Festival at Gage Park on June 15, 2019.
- Involved Person 20 attended to the area of the protest approximately 15 to 30 minutes after Involved Person 19 had attended the protested. Involved Person 20 wanted to check on Involved Person 19's wellbeing as he was not answering his phone.
- The three other Security Officers remained in the Festival area.
- When Involved Person 20 arrived on scene people were yelling at each other. Approximately 10 to 15 minutes later violence broke out. People were punching each other, while others were trying to steal cameras.

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- There was a big crowd. The violence continued up to and even after a few Police Officers had arrived. The Police couldn't be everywhere and people just kept getting into it. Involved Person 20 advised that he noticed that the first Police were there 10 to 15 minutes after the fighting started.
- There was still violence taking place, however, the police may have been unaware of it. The Police were dealing with the protesters more than the physical violence. It was a very big crowd. The protesters were crowding certain areas of it with a big banners. Even if you looked over there you may not be able to see the violence.
- Involved Person 20 is not aware of any Police Officer actually observing violence and not responding.
- The Police pretty much got in right away between the protesters for the next 15 minutes or so.
- Other Officers began arriving after about 5 or 10 minutes.
- Involved Person 20 advised that he was not present during a meeting between Police and Organizers following the protest. However, he was aware that the Organizers did not want the Police on the property.
- Involved Person 20 felt that the initial responding Police Officers focused on one portion of the protest, but the protest was much bigger, and those other areas is where the violence was happening. He felt that the Police should have redeployed Officers in other areas.
- Where the Police were focused is a big area with a lot of people. There was no immediate violence in that area, there was a lot of people verbally fighting where the Police were. The other violence was away from the Park. Again, Involved Person 20 was not aware of a Police Officer witnessing violence and not responding. Nor did Involved Person 20 advise Police at the time of violence taking place elsewhere.

Review Statement of Involved Person 21:

The following is a summary of Involved Person 21's statement. The statement was provided to the Investigator on November 13, 2019 via the phone and was audio recorded:

- Involved Person 21 is a journalist who was covering the protest rally at City Hall on June 15, 2019.
- Involved Person 21 also attended at the Gage Park Pride Festival. At 1:05pm Involved Person 21 made a 911 call and screamed , *get over the Gage Park – violent riot – there's 20 people fighting.*

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- Involved Person 21 had arrived at Gage Park approximately 20 minutes prior to making the call. Involved Person 21 was aware that street preachers were going to be attending Pride. Involved Person 21 did not expect anything bad was going to happen.
- The protesters had set up approximately 200 – 250 meters away from the Pride festivities.
- The protesters were rushed, assaulted and had their signs stolen. Involved Person 13 asked Involved Person 21 to call 911.
- There were approximately 10 Religious Protesters trying to defend against 30 to 40 Pride attendees. The Pride attendees were loud but were fairly peaceful. The individuals in the pink balaclavas were the same Antifa members that were at City Hall.
- Approximately 10 minutes after the Pride attendees confronted the Religious Protesters, the Pink Antifa people came with a black cloth to hide the Protesters from the Pride Festival. But also they were using the cloth strategically to isolate and wrap around individuals and attack them inside the closed in cloth.
- That is when the Protest turned violent with people punching. That is when Involved Person 21 made the call to 911. There was no Police presence at that time, however, there was private Uniform Security. They couldn't do anything.
- The violence lasted for 15 to 20 minutes. As soon as Police arrived along other Pride attendees the violent ones settled down.
- Police arrived 10 to 15 minutes after Involved Person 21 made the 911 call. It seemed longer. It was about 10 minutes after when Involved Person 21 saw the first patrol car roll up one of the paths.
- The Police arrived really quickly from all directions. Involved Person 21 estimated there to be 200 to 300 people in the area at the time. The cloth was up the entire time. There was some interaction between the banner being moved around and Police.
- To Involved Person 21's knowledge all of the assaults stopped the minute the Police arrived.
- Approximately 2 or 3 Yellow Vest people arrived after the fighting.

Review Statement of Involved Person 22:

The following is a summary of Involved Person 22's statement. The statement was provided to the Investigator on November 26, 2019 via the phone and was audio recorded:

- Involved Person 22 arrived at the Gage Park Pride Festival between 11am and noon on June 15, 2019.

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- Involved Person 22 advised that the protesters arrived at approximately 12:30pm. The protest was tense but non-violent. There was a curtain erected between the protesters and the Pride Festival. There were 10 – 12 protesters.
- Involved Person 22 made two calls to 911 from the Festival. The first at 1:06pm indicating that there was a fight between two groups near the Rose Garden involving 10 to 20 people. He advised that there were no weapons or injuries seen, and that the fighting had stopped; however, there is a lot of tension.
- Involved Person 22 indicated that there were uniform security guards, and maybe two Police Officers, possibly at the bandshell. A few security guards attended the protest; however, they really couldn't do anything as they were outnumbered.
- The second call was made by Involved Person 22 at 1:13pm. At that time Involved Person 22 called to report an injured male with a bloody nose. The call was transferred to EMS at which time Involved Person 22 advised that the victim had left and that he was okay.
- Police arrived approximately two minutes after Involved Person 22 made the second call. It was two Police cars. Involved Person 22 could not recall if there were Officers present on foot prior to the police vehicles arriving.
- Involved Person 22 advised that even after all the police arrived there were still fights breaking out. Involved Person 22 described the fights as "sparks." The Police would stop the fight and another fight would breakout.
- Involved Person 22 went to say that he thinks one or two people threw a few punches when Police were there.
- Involved Person 22 was unable to clearly articulate if Police were present observing punches being thrown. There were approximately 100 people in the area. Involved Person 22 advised that the curtain shielded the majority of the protesters from the actual fight. The Police couldn't see when protesters got in front of the screen.
- When asked, Involved Person 22 was unsure if Police on scene actually witnessed physical violence taking place and failed to intervene. Involved Person 22 advised that Police stepped in when things got serious, when people started almost knocking each other out.
- Police were not between the opposing groups, they were trying to contain what was going on.
- Involved Person 22 then went on to say that he believed that Police were watching persons being assaulted and were not intervening.
- When asked to explain, Involved Person 22 advised that it was happening really fast, the issue was that everybody was moving around and one or two fights broke out. The Officers just looked and waited too long before intervening.

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- Involved Person 22 provided an example that the 'guy with the helmet' and a person wearing a 'pink ninja' started throwing punches for thirty seconds to a minute. There were Police all around and they didn't do anything. Involved Person 22 advised that the Police were six feet away. Involved Person 22 concluded that he could not be certain that the Police actually seen someone being punched.
- Involved Person 22 advised that he had a video which he had taken with his cellphone during the protest that he would share with the Investigator.
- Involved Person 22 later left the Investigator a recorded voicemail message describing the video which he advised did not contain any assaults, however, shows Police just standing not solving anything or paying attention to anything around them. Involved Person 22 later emailed the Investigator a 6 second video.
- *The video depicted a large group of people debating and arguing. Several Officers can be seen lined up between the group and a large black curtain. There are no physical confrontations captured within the frame of the camera.*

Review Statement of Acting Sergeant Jason Sorbara:

The following is a summary of Hamilton Police Service Acting Sergeant Jason Sorbara's statement. The statement was provided to the Investigator on August 20, 2019 at the Professional Standards office and was audio recorded:

- On June 15, 2019 Acting Sergeant Sorbara was detailed to supervise the Pride Festival event at Gage Park as per the operational plan and to report back to Staff Sergeant Groombridge.
- Six officers, including Acting Sergeant Sorbara, were assigned to the event. Acting Sergeant Sorbara, Constable Vilika Zafirides, Constable William Kreamer and Constable Nelson Fiuza were in uniform. Constable Nick Pacheco and Constable Brandon Smith were in plainclothes utilizing a cellphone for communications.
- Acting Sergeant Sorbara briefed the involved officers as per the operational plan.
- The operational plan indicated that organizers requested a no uniform presence at the festival. Acting Sergeant Sorbara planned to patrol the perimeter of the park in uniform and utilize the eyes and ears of the Plainclothes Officers within the festival to provide updates should any protests begin.
- The operational plan indicated a potential for protests, as took place the previous year, however, there was no immediate intelligence that one would take place.
- The event was to get underway at 11:45AM. At that time Acting Sergeant Sorbara was on scene on the perimeter with Constables Kreamer and Zafirides, awaiting the arrival of Constable Fiuza who had become involved in a motor vehicle collision investigation.

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- Shortly after Constable Fiuza arrived the first 911 call came in at 12:52PM regarding potential protesters showing up at the festival with no issues at that time. Acting Sergeant Sorbara updated Staff Sergeant Groombridge.
- Acting Sergeant Sorbara also contacted Constable Pacheco to update him regarding the 911 call and ascertain if they had any information. Constable Pacheco did not see any issues or protesters at that time.
- The festivities in the park were centralized around the concert (bandstand area) in the southwest area of the park.
- At 1:00PM there is an update via dispatch that things are beginning to escalate. There was no indication of the exact location of the protest. Acting Sergeant Sorbara along with the other three uniform officers entered the park from the southwest (Gage Ave. and Cumberland Ave area).
- A concert was taking place at the bandstand. Attendees at the festival were advising that people were fighting.
- The Uniform Officers located the disturbance on the northeast side of the park at approximately 1:08PM. There was a makeshift black curtain wall which had been erected by persons at the scene to shield the protesters from the event. This contributed to Uniform Officers not seeing what was going on the other side as they approached.
- Acting Sergeant Sorbara observed protesters with signs and counter protesters attempting to wrap banners around the protesters with the signs. There was nothing physical other than people pushing at the signs, trying to get them down so they weren't being viewed.
- Constables Fiuza and Kreamer arrived on the opposite side of the curtain and advised that there was a disturbance.
- Acting Sergeant Sorbara was partnered with Constable Zafirides, and Constable Fiuza was partnered with Constable Kreamer. Acting Sergeant Sorbara and Constable Zafirides became separated in the crowd from Constables Fiuza and Kreamer.
- There were approximately 150 persons present.
- Acting Sergeant Sorbara was notified by Staff Sergeant Groombridge that two POU teams were on route from City Hall where another protest was taking place. Acting Sergeant Sorbara suggested they may require more than two teams.
- Acting Sergeant Sorbara observed a male with a bloody nose standing by a tree. At the same time he could hear on his police radio that an ambulance was responding for an assault.

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- Acting Sergeant Sorbara approached the male and noted that he was being treated by on-site St. Johns EMS.
- Acting Sergeant Sorbara left the male and linked back up with Constable Zafirides. Constable Fiuza came over the radio requesting help. Acting Sergeant Sorbara made his way to the other side of the curtain where he found Constables Fiuza and Kreamer.
- The request for help was not for them personally but because of the number of people engaging each other.
- The curtain was approximately 20 to 30 feet in length and 10 feet in height. The curtain is secured to pieces of 2X4 wood. People dressed in black with pink scarfs were holding the curtain. The curtain was been used to envelop the protesters, making it difficult for the officers to properly engage the group.
- Acting Sergeant Sorbara viewed no assaults actively taking place at that time, however, he observed evidence that assaults had transpired as there were people with bloodied faces.
- Acting Sergeant Sorbara felt that the physical presence of the officers appeared to calm things somewhat. People had come forward alleging they had been assaulted. Acting Sergeant Sorbara's priority was to keep the two opposing groups separated to prevent any further assaults from taking place.
- One individual with a helmet and shield on his chest, and blood on his face advised that he had been assaulted and had googles taken from him. Acting Sergeant Sorbara provided him with the same information he was giving to others; let's get this under control first and then we can talk about your assault. This male later advised that he had got his googles back and said all was good and left.
- Acting Sergeant Sorbara was focused on getting control of the situation prior to engaging complainants and suspects.
- Acting Sergeant Sorbara felt that the crowd realized that there were only four uniform officers on scene at that time and things began to heat up.
- Acting Sergeant Sorbara and his officers were able to maintain a presence between the two opposing groups until 5 -6 other patrol officers arrived within 5 – 8 minutes.
- A few minutes later the POU units began to arrive and assist.
- Acting Sergeant Sorbara's plan was to separate the group, deescalate the situation and begin to take assault complaints.
- There were approximately 100 -150 persons present. People were blowing whistles, one was beating a drum and one had a megaphone. There were approximately 15 to 20 that appeared to identify as protesting the event.

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- Acting Sergeant Loppie arrived and engaged in negotiations at the scene. Staff Sergeant Miscione was also on site.
- The protesters eventually left the park at approximately 2pm.
- Constable Roechner had made an arrest of one of the protesters for an assault.
- Acting Sergeant Sorbara recalled people saying, "He hit me, she hit me are you not going to do anything", there was a lot of shouting. Acting Sergeant Sorbara began advising attendees that he was waiting for other officers to arrive, and once the situation is under control he could discuss assault complaints. However, once the crowd began to disperse no one, to his knowledge, came up and presented wanting to make a report of an assault.
- At the request of Superintendent Schulenberg, Acting Sergeant Sorbara and Staff Sergeant Groombridge met with two of the Festival organizers, Involved Person 1 and Involved Person 2. Acting Sergeant Sorbara provided information to be passed onto anyone who had been victimized and wished to make a report. Acting Sergeant Sorbara provided his business card advising that assault reports would be investigated.
- Involved Person 1 had originally approached Acting Sergeant Sorbara when he initially arrived on scene concerned that the protest group was within their permit area. Involved Person 1 had asked to have them removed. Acting Sergeant Sorbara advised Involved Person 1 that once additional officers arrive they will deal that. Acting Sergeant Sorbara further advised that he was not in a position to have a conversation at that time, as he needed to deal with the situation and would speak with Involved Person 1 after.
- Acting Sergeant Sorbara was aware of one arrest at the scene made by Constable Roechner. However, he believed the victim left or did not wish to support charges.
- Involved Person 1 expressed that he felt the police took too long in arriving and that there were not enough officers on scene. Acting Sergeant Sorbara advised that the protesters had left, however his team would remain until the conclusion of the festival. At that time Acting Sergeant Loppie and several other patrol officers were still on scene.
- The POU officers pulled back to the perimeter of the park and remained there for some time in case the protesters returned. POU eventually left the area.
- Acting Sergeant Sorbara later received an update from Acting Sergeant Loppie indicating that Involved Person 1 had requested that the police vacate the park. That the protest was over and that if the police were required back they would call. Involved Person 1 requested that the officers maintain their perimeter, however that the police were to stay out of the festival area.

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- Acting Sergeant Sorbara made a decision not to take up a perimeter patrol of the park, but instead remain in the park but outside of the festival area.
- Acting Sergeant Sorbara identified on the operational plan map a large circular path that surrounded the festival and also bordered the four sides of the park.
- Acting Sergeant Sorbara advised that there was also on-site uniform security attached to the festival. The security was present during the protest but did not intervene.
- Acting Sergeant Sorbara was aware that there was a protest the previous year; however he was not aware of any violence the previous year.
- Acting Sergeant Sorbara advised that he did not meet the named organizer and permit holder, mentioned in the Operational plan.
- Acting Sergeant Sorbara estimated attendees, post protest, to be approximately 1000.
- Acting Sergeant Sorbara recalled hearing someone on the radio from the City Hall protest indicating that a group may be heading his way.

On November 3, 2019 Acting Sergeant Sorbara provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

As the Investigator I have had an opportunity to interview Involved Person 1 in relation to the Pride Festival Service complaint. As a result I have a few follow up questions since our previous interview. The below questions relate to your initial arrival, or soon thereafter, on scene at the disturbance in the park. In Involved Person 1's statement he indicates that he made observations and had conversation with you and Constable Zafirides. Could you please answer the following questions as best you can.

Q) Do you recall standing 30 to 50 feet south of the disturbance with Constable Zafirides in an observational capacity?

A) No

Q) Do you recall Involved Person 1 asking Constable Zafirides if she was Sergeant Granatier?

A) No

Q) Involved Person 1 advised that he could see people being shoved and beat up then sees you on the phone. Do you recall seeing people being shoved and beat up? Do you recall being on the phone as Constable Zafirides directed Involved Person 1 to speak with you?

A) I did not see people being shoved and beat up. I only arrived during the aftermath and could not initially see what was happening behind the large black curtain. I was on my phone upon first arriving on scene as was mentioned in my earlier interview. I

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do not recall seeing Constable Zafirides interact with Involved Person 1, but I can confirm that he did briefly speak with me (again as mentioned in my original statement). My interaction with him lasted only seconds.

Q) Did you advise Involved Person that we are not equipped to deal with this and that you were calling for back up?

A) I advised Involved Person 1 that I was working to get additional resources to the park and would be able to better deal with the protesters once additional officers arrived. His only comment to me when he approached was that he wanted the protesters removed from the "permit area" of the park. I advised him that the "permit area" was not my immediate focus, but rather getting additional officers on scene to deal with the crowd. That was the extent of my conversation with him and then he walked away.

Q) Do you recall Involved Person 1 saying that he found it shocking and surprising as he had told the police what to expect and he did not know why they [police] were not there?

A) No

Q) Do you recall Involved Person 1 saying to you, I don't know why the two of you are standing back from what's happening here?

A) No

Q) Do you recall Involved Person 1 saying to you, if I can walk over there why can't you? You have a gun and a uniform. If I can walk closer to the event to witness what is happening why can't you?

A) Definitely not.

On November 12, 2019 Acting Sergeant Sorbara provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

Q) In addition to the statement which you have previously provided regarding the Pride Festival on June 15, 2019, I have one follow up question: During the meeting with Involved Person 1 and 2, following the disturbance, do you recall Staff Sergeant Miscione, or any other HPS member, asking Involved Person 1, "did you consider that none of this would have to happen if you had given us a recruitment booth and if we could have been in the park and deployed differently?"

A) At no point did I hear anyone make those comments to the PRIDE organizers. In fact I don't believe I had any knowledge of the recruitment booth request or refusal until after the incident.

On November 17, 2019 Acting Sergeant Sorbara provided the following response, in writing, to questions generated following analysis of Involved Person 17's statement:

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Situation: Involved Person 17 indicated that she walked over to the police and said, "people are being punched over there". She further advised that the four officers were walking toward the disturbance. They were 100 ft or so away from the disturbance when she first saw them. The female Officer said, "well people punch people what are we going to do?" Involved Person 17 said, "stop them." The female Officer responded, "there is only four of us we can't do anything."

Q) Do you recall being approached by Involved Person 17 as you, Constable Zafirides, Constable Fiuza and Kreamer made your way toward the protest. Also do you recall the conversation as articulated by Involved Person 17?

A) I do not specifically recall being approached by Involved Person 17 as I approached the area of the disturbance. I also have no recollection of any conversation between this female and the female officer (PC. Zafirides).

Review Statement of Constable Nick Pacheco:

The following is a summary of Hamilton Police Service Constable Nick Pacheco's statement. The statement was provided to the Investigator on August 14, 2019 at the Professional Standards office and was audio recorded:

- On June 15th, 2019, Constable Pacheco and his partner, Constable Brandon Smith, were deployed at the Gage Park Pride Festival event in a plain clothes capacity.
- Prior to attending the festival Constables Pacheco and Smith received a briefing from Acting Sergeant Jason Sorbara. The briefing information indicated no known information that protesters were planning on attending the event, however, based on the event history there was potential that protesters may attend the festival.
- Constable Pacheco and his partner were informed that a uniform presence was not welcomed at the event. The Constables were to monitor the event and report any issues back to Acting Sergeant Sorbara.
- Acting Sergeant Sorbara, along with Divisional Safety Officers (DSO), were positioned nearby at Gage Ave and Lawrence Rd.
- The briefing included information regarding a protest involving a group known as 'Yellow Vests' that was taking place at the Hamilton City Hall the same day. The Public Order Unit (POU) was deployed at the City Hall protest. If required, the (POU) would be redeployed from the City Hall location to the park.
- Constables Pacheco and Smith arrived at the park at 12pm. There was also private security working at the event. The private security was not made aware of the plain clothes police presence. At that time there were approximately 200 attendees present.
- Though there were gates to the festival situated at the west side of the park, the event itself was not fenced and could be accessed from other directions.

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- At approximately 1pm Constables Pacheco and Smith were among the majority of the attendees in the center of the event when their attention was drawn to the sound of drumming. The sound was coming from the north near the fountain area.
- Constable Pacheco and Smith walked to the area to investigate. From a distance they could see black curtains / screens being erected by Pride attendees. They could hear yelling and what sounded like a megaphone. Once on the other side of the curtain they observed people arguing and a crowd starting to gather. The Officers were unaware of what may have transpired prior to them reaching the location.
- Constable Pacheco contacted Acting Sergeant Sorbara and advised him that there was an opposing group present and things were getting heated, there may have been a scuffle.
- Acting Sergeant Sorbara attended a few minutes later, along with the two DSO Officers, and began to separate the parties. A few minutes after Uniform Patrol Officers began to arrive. There were approximately 8 to 10 uniform Officers that attended.
- The Officers created a wall blocking the Yellow Jacket protesters from entering the Festival area. The situation began to deescalate. The Yellow Jacket group consisted of approximately 10 protesters.
- The POU arrived approximately 10 to 20 minutes after Constable Pacheco called Acting Sergeant Sorbara. The POU consisted of approximately 15 Officers.
- Based on how heated people were and how quickly the crowd gathered, Constable Pacheco believes the assaults that took place, as depicted on news outlets and on social media, prior to his arrival at the screened area. In particular he recalls observing a male, who was captured on social media with a motorcycle helmet assaulting people; however, he did not observe this male assault anyone after his arrival.
- Approximately 15 minutes after the POU arrived the crowd began to disperse. Sometime Between 1:30pm and 2pm the protesters had vacated the Festival area. The screens were removed soon after. Following this interaction there were no other issues that Constable Pacheco observed.
- Constables Pacheco and Smith remained at the event for the duration of the day as the attendance grew to approximately 500.
- Constable Pacheco was asked about the 30 to 35 minute delay in police responding to break up the violence / disturbance. Constable Pacheco advised the response by police was much faster.
- Constable Pacheco was asked about police witnessing dozens of violent assaults yet making no arrests and laying no charges. Constable Pacheco indicated that he did not

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witness live, the violence that was later posted on social media. Nor is he aware of any other officer who may have witnessed it.

- Constable Pacheco did not personally witness anyone from either opposing group approach police on scene to report an assault or present as a complainant.

Review Statement of Constable Brandon Smith:

The following is a summary of Hamilton Police Service Constable Brandon Smith's statement. The statement was provided to the Investigator on August 22, 2019 at the Professional Standards office and was audio recorded:

- Constable Smith was detailed with Constable Pacheco to attend the Pride Festival on June 15, 2019 in a plain clothes capacity.
- Constable Smith was briefed by Acting Sergeant Sorbara prior to his deployment. He was instructed to monitor the event and provide updates to Acting Sergeant Sorbara regarding any possible issues in the park.
- There was information that protesters may attend as they had attended the year prior. However, there was no current intelligence that they would be at the park.
- There was no indication that there was violence associated to last year's protest, or anticipation of violence this year.
- Constable Smith and Pacheco did not introduce themselves to the organizers; they instead blended in with the attendees.
- Constable Smith was aware that uniform officers were stationed at the perimeter of the park and they were to respond if needed. Communications between Acting Sergeant Sorbara and Constable's Smith and Pacheco was to take place by phone.
- Constable Smith indicated that the actual festival in the park ran approximately from Cumberland Ave. to the north and Maplewood Ave. to the south
- There was a main entrance point to the festival at Gage Ave. and Cumberland Ave., marked by balloons. However, you could enter the festival from any area within the park as it was not fenced.
- Constable Smith was in the main festival area when at approximately 1PM or just before, people began to funnel over to the far northeast side of the park.
- Constables Smith and Pacheco made their way north to the same location, approximately 200 meters from where they were, after receiving a call from Acting Sergeant Sorbara that there were protesters.

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- There were people with signs and a black curtain. When they arrive they observed people holding signs and yelling and others were yelling back. More people began to show up who Constable Smith described as spectators.
- Constable Smith estimated that there were approximately 10 – 15 protesters that appeared to oppose the festival.
- Constable Smith did not observe any violence or assaults taking place. The two groups were actively moving about.
- Constable Smith recalls viewing news footage following the event which depicted violence taking place during the protest. Constable Smith did not witness this when he was present.
- Constable Smith recalled seeing a male on the news assaulting people with a helmet. He also recalled seeing that same individual when he was present. However, he did not witness him assault anyone as seen on the news.
- Acting Sergeant Sorbara and the three other uniform officers arrived within a “couple” minutes of Constables Smith and Pacheco arriving at the protest location.
- Acting Sergeant Sorbara and his officers were attempting to gain order and divide the protesters.
- Within five minutes approximately 8 to 10 additional Uniform Patrol officers began to arrive.
- The Officers were still trying to divide the two groups.
- Within approximately 15 minutes after patrol officers arrived POU arrived. POU formed a line with patrol between the two groups.
- Constable Smith is not aware of anyone presenting to the police as a victim, nor did he see anyone with injuries.
- Constable Smith did observe one male get arrested by police.
- Approximately 15 to 25 minutes after POU arrived the opposing group left the park.
- POU followed the opposing group out of the park. Constables Smith and Pacheco followed then returned to the festival.
- The uniform officers remained at the event, and then eventually made their way to Gage Ave. and Lawrence Ave.
- There were no issues following the protest. Attendees grew to approximately 400 – 500

Investigative Report

- At approximately 5:30PM a call was received indicating that yellow vest protesters were present in the park, however, none were seen by police.
- The festival ended at approximately 7PM with no other issues.
- Constable Smith was aware of approximately 4 visible security guards at the event. The security guards were actively attempting to separate people during the earlier disturbance.

Review Statement of Constable Vilika Zafirides:

The following is a summary of Hamilton Police Service Constable Vilika Zafirides's statement. The statement was provided to the Investigator on August 28, 2019 at the Professional Standards office and was audio recorded:

- On June 15, 2019 Constable Zafirides was working in a uniform capacity assigned to the Pride Festival event at Gage Park.
- Constable Zafirides was working with Acting Sergeant Sorbara, Constable Kreamer and Constable Fiuza, along with two plain clothes Officers.
- At 8:50am Constables Zafirides, Fiuza and Kreamer were briefed by Acting Sergeant Sorbara and provided with an operational plan for the event which was prepared by Sergeant Granatier.
- Constable Zafirides learned that the organizers of the event did not want Uniform Officers to attend the event.
- Constable Zafirides learned that there could be protesters at the event as there had been the previous year. There was no mention of violence taking place the previous year nor was there intelligence indicating that there would be violence at this year's event.
- The Plain Clothes Officers would attend at the event and the Uniform Officers would remain on the perimeter and respond if needed.
- At approximately 1245PM to 1250PM the first 911 call was received indicating that there were protesters in the park. There was no mention of any altercation or assaults; only that the protesters had just shown up.
- Constable Zafirides and the other three Officers began getting ready to go into the park; putting on their vests and hats.
- Several minutes later there were additional calls at which time the Uniform Officers went into the park. Information at that time indicated that fights were starting.

Investigative Report

- The information regarding the location of the disturbance was not specific. Different landmarks were being given: Patrons in the park began providing directions to the Officers.
- It took Constable Zafirides and her partners several minutes to make their way through the festival to the north end of the park where the disturbance was located.
- Constable Zafirides was unable to see any disturbance. A black curtain was being held up. The curtain was 7' to 8' high and 20' to 30' long. The curtain was held up with wooden posts by persons wearing black with pink bandanas or T shirts.
- Constable Zafirides learned that the curtain was in place to block the protesters and their signs from the Festival attendees. The curtain was also blocking Constable Zafirides' view as she approached.
- Constable Zafirides approached two persons with bloody noses who were hunkered down by a tree. Constable Zafirides ask the two individuals if they were okay but they refused to speak with her. They were being attended to by EMS.
- Constable Zafirides observed two distinct groups on the other side of the curtain. One was a religious group holding up signs. The person who appeared to be the leader of the religious group had a megaphone. The other group was dressed in black with the pink facial covering.
- Constable Zafirides recalled seeing media reports after the event of assaults that took place. Constable Zafirides did not see anyone being assaulted the entire time she was present. She believes the assaults took place prior to her arrival.
- Constable Zafirides estimated that there were 50 to 75 people in the area. Constable Zafirides and the other three Uniform Officers were surrounded in the middle of the crowd.
- People were yelling at each other and getting in each other's faces. The group with the black curtain were trying to push the other group away and surround them with the entire curtain.
- People would get close into each other's faces and the Officers would get in between them.
- Back up units began to arrive within 5 to 10 minutes of Acting Sergeant Sorbara asking for additional Officers.
- Officers from all three Divisions arrived. A line was formed between the two opposing groups.
- POU Officers arrived within approximately 10 minutes.

Investigative Report

- Acting Sergeant Loppie spoke with the leader of the religious group and convinced them to leave. He advised that the police would take their complaints if they had any, however, that now was not the time as things were heated. He provided them with a business card indicating that the police would follow up.
- The group agreed to do so and officers escorted them out of the park.
- The other group with the curtain then disbanded.
- Constable Zafirides is not aware of anyone at the scene reporting an assault to police. Other than the two that were by the tree with nose bleeds, Constable Zafirides did not see any other injuries.
- Constable Zafirides and the other three Uniform Officers remained in the park following the disturbance. They patrolled the outer edge of the festival area.
- Approximately 30 minutes later Involved Person 1 approached and asked the Uniform Officers to leave, citing that the police were upsetting the patrons.
- The Officers agreed on a compromise were they would stay in the park, but stay on the outer path outside of the festival area.

On November 2, 2019 Constable Zafirides provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

As the Investigator I have had an opportunity to interview Involved Person 1 in relation to the Pride Festival Service complaint. As a result I have a few follow up questions since our previous interview. The below questions relate to your initial arrival, or soon thereafter, on scene at the disturbance in the park. In Involved Person 1's statement he indicates that he made observations and had conversation with you and Acting Sergeant Sorbara. Could you please answer the following questions as best you can.

Q) Do you recall standing 30 to 50 feet south of the disturbance with Acting Sergeant Sorbara in an observational capacity?

A) I do recall standing 30-50 feet south of where the protest was taking place. (This distance is approximate). This was shortly after our arrival on scene and there were no active assaults taking place. Acting Sergeant Sorbara and I had stepped back slightly so he could make a telephone call to the Commanders to request additional units. We were monitoring at this point and I had just approached two victims who were under a tree with EMS being treated for nosebleeds. The victims wouldn't speak to me. The tree they were under was slightly away from where the protest was taking place so it's fair to say I was approximately 30-50 ft. away.

Q) Do you recall Involved Person 1 asking you if you were Sergeant Garantier?

A) Yes, I did have a short conversation with him and I advised him that Sergeant Granatier was not present at the event.

Investigative Report

Q) Involved Person 1 advised that he could see people being shoved and beat up then sees Acting Sergeant Sorbara on the phone. Do you recall seeing people being shoved and beat up? Do you recall Acting Sergeant Sorbara using a phone? Do you recall directing Involved Person 1 to speak with Acting Sergeant Sorbara?

A) At no time did I see anyone getting "beat up". Acting Sergeant Sorbara and I did step back so that he could make a phone call (see above) but that was not during a time when people were being actively assaulted. I did direct Involved Person 1 to speak to Acting Sergeant Sorbara after he asked me who the Sergeant in charge was.

Q) Do you recall Acting Sergeant Sorbara advising Involved Person 1 that we are not equipped to deal with this and that he was calling for back up?

A) I saw Acting Sergeant Sorbara engaging with Involved Person 1. I was not close enough to hear their conversation as I was still trying to monitor the protest and maintain officer safety with my partner. We were at least 15-20 feet apart.

Q) Do you recall Involved Person 1 saying that he found it shocking and surprising as he had told the police what to expect and he did not know why they [police] were not there?

A) No. I did not hear Involved Person 1 say anything other than to ask where Sergeant Granatier was and who was in charge.

Q) Do you recall Involved Person 1 saying to you, I don't know why the two of you are standing back from what's happening here?

A) No. We did not have any dialogue other than what I've mentioned above.

Q) Do you recall Involved Person 1 saying to you, if I can walk over there why can't you? You have a gun and a uniform. If I can walk closer to the event to witness what is happening why can't you?

A) No.

On November 15, 2019 Acting Constable Zafirides provided the following response, in writing, to questions generated following analysis of Involved Person 17's statement:

Situation: Involved Person 17 indicated that she walked over to the police and said, "people are being punched over there". She further advised that the four officers were walking toward the disturbance. They were 100 ft or so away from the disturbance when she first seen them. The female Officer said, "well people punch people what are we going to do?" Involved Person 17 said, "stop them." The female Officer responded, "there is only four of us we can't do anything."

Q) Do you recall being approached by Involved Person 17 as you, Acting Sergeant Sorbara, Constable Fiuza and Kreamer made your way toward the protest. Also do you recall the conversation as articulated by Involved Person 17?

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A) This is an out and out lie. I did not have any interaction with any female, other than the female we've already spoken about on my way through the park to the disturbance. I do not know who Involved Person 17 is, nor did I have any conversation with her.

Review Statement of Constable William Kreamer:

The following is a summary of Hamilton Police Service Constable William Kreamer's statement. The statement was provided to the Investigator on August 29, 2019 at Police Station 20 and was audio recorded:

- On June 15, 2019 Constable Kreamer was working in a uniform capacity assigned to the Pride Festival event at Gage Park.
- Constable Kreamer was one of four uniform Officers assigned to monitor the activities and provide assistance to the two plain clothes Officers who were in the festival should they require it.
- Constable Kreamer recalled being briefed by Acting Sergeant Sorbara as per the operational plan at 8:51am. Constables Fiuza and Zafirides were also present during the briefing.
- There was an expected attendance of 2000 people at the event. The previous year there were 6 to 8 protesters in attendance with loud speakers. There was no mention of violence in 2018.
- Constable Kreamer was aware this year of another protest taking place at City Hall involving the POU unit. If more resources are required the Officers at City Hall would assist.
- Constable Kreamer arrived at 11:30am and drove around the park. Constable Kreamer recalled that it was hard to see into the park because of the summer foliage, stages and other things set up there.
- The Officers positioned themselves at Lawrence Rd and Gage Ave.
- At approximately 12:58pm calls started coming in about a disturbance between protesters in the Rose Garden area.
- At 13:02pm Constable Kreamer and the other Officers entered the park and crossed the field. People were pointing to the Rose Garden. The Officers arrived at the disturbance at approximately 1:10pm.
- Upon arrival there is a black tarp obstructing what was going on the other side. The four Officers paired off with Constables Kreamer and Fiuza going to one side of the tarp and Officers Sorbara and Zafirides went the other way.

Investigative Report

- There was arguing and people were screaming and yelling at the Officers. There was no violence taking place at that time.
- Constables Kreamer and Fiuza got behind the tarp and separated from Sorbara and Zafirides.
- People continued to approach the Constables Kreamer and Fiuza telling them about a disturbance that had happened.
- People were still yelling. Constables Kreamer and Fiuza were trying to keep the peace and make sure nothing turned violent. The screaming grew louder and the Officers called for more units to assist.
- There were people with signs and a man with a loudspeaker. There were 4 – 5 persons with pink masks holding the large tarp appearing to prevent the festival goers from seeing the protesters and their signs.
- While waiting for back up, the Officers attempt to position themselves between the protesters and the people with the tarp to prevent them from making contact with each other.
- As the Officers stood there the people with the tarp would slowly come up behind them. The Officers had to keep shifting and holding the tarp back so as not to get trapped.
- The Officers continued to maintain the peace until other units arrived.
- It was only a few minutes until patrol began to arrive, and eventually the POU Officers arrived.
- A line was formed with Patrol Units and POU in order to separate everyone.
- Constable Kreamer estimates that there were approximately 75 to 100, people including protesters, tarp holders and spectators. It was hard to tell who was on what side and who was arguing about what.
- The protesters were escorted out and the people with the black tarp eventually left.
- Constable Kreamer witnessed the media coverage of violence that took place at the protest. Constable Kreamer advised that he did not witness the same violence when he attended. People were yelling and screaming upon his arrival.
- Constable Kreamer advised that no one had presented to him as a victim nor did anyone try to make such a report.
- Constable Kreamer recalled when he first arrived seeing a person with a bloody nose being assessed by medical staff. He learned that an ambulance was responding. By the time Constable Kreamer went back the person was long gone.

Investigative Report

- Constable Kreamer recalled seeing one person being arrested by Constable Roechner.
- Constable Kreamer advised the plan moving forward was, now that the Police were in the park, they were not going to leave the park whether the organizers wanted them out or not.
- Constables Kreamer, Fiuza, Zafirides and Acting Sergeant Loppie were at the back of the festival, between the Rose Garden and where the Festival was happening. One of the convenors came up and had a conversation with Acting Sergeant Loppie.
- Officers were advised that they were making the patrons feel uncomfortable and they were asked to leave.
- The Officers backed away and took up a foot patrol on an outer perimeter path.
- The operational plan also indicated that a uniform presence was not wanted by organizers.
- The Plain Clothes Officers remained in the festival.
- There were no further issues relating to the protest.

On November 15, 2019 Constable Kreamer provided the following response, in writing, to questions generated following analysis of Involved Person 17's statement:

Situation: Involved Person 17 indicated that she walked over to the police and said, "people are being punched over there". She further advised that the four officers were walking toward the disturbance. They were 100 ft or so away from the disturbance when she first seen them. The female Officer said, "well people punch people what are we going to do?" Involved Person 17 said, "stop them." The female Officer responded, "there is only four of us we can't do anything."

Q) Do you recall being approached by Involved Person 17 as you, Acting Sergeant Sorbara, Constable Zafirides and Constable Fiuza made your way toward the protest. Also do you recall the conversation as articulated by Involved Person 17?

A) I remember someone coming up and directing us in the right direction because when we entered we could not see anything. As for a conversation, I do not recall any of that. I was probably more focused on trying to see where the disturbance was transpiring.

Review Statement of Constable Nelson Fiuza:

The following is a summary of Hamilton Police Service Constable Nelson Fiuza's statement. The statement was provided to the Investigator on August 28, 2019 at the Professional Standards office and was audio recorded:

Investigative Report

- Constable Fiuza was assigned to the Pride Festival on June 15, 2019 along with Constable's Zafirides and Kreamer, and Acting Sergeant Sorbara.
- At 8:50am Constable Fiuza received a briefing as per the operational plan for the Festival.
- There were also two Plain Clothes Officers positioned in the park to act as eyes and ears, should the uniform Officers need to enter the park.
- It was Constable Fiuza's understanding that the Festival Organizers did not want a uniform presence in the park. Constable Fiuza felt that Uniform Officers should have been positioned in the park.
- The instructions from Acting Sergeant Sorbara included that the Officers were to remain in pairs when in the park.
- There was no mention of violence in 2018, as there was in 2019.
- The plan this year was to patrol the perimeter of the park including Lawrence Rd. to the south, Gage Ave. to the west, Main St. to the north and eastern park perimeter.
- Constable Fiuza and the other three Officers were at Lawrence Rd. and Gage Ave., across the street from the main entrance to the park, when the first call for service came in regarding people fighting in the park.
- Constable Fiuza and the other Officers put on their reflective vests and walked to the main entrance.
- The Officers were unsure of the location of the disturbance described as the Rose Garden area. The Officers walked east to the centre of Gage Park. Constable Fiuza later discovered that the Rose Garden was not a good landmark as the roses were not in bloom.
- The Officers were in the park within 2 to 3 minutes. People in the park began to give directions toward the disturbance. One lady yelled, "It's about time you got here".
- Acting Sergeant Sorbara and Constable Zafirides were interacting with a female.
- Constable Fiuza heard someone say, "They're fighting over there". However, there was a black curtain obscuring Constable Fiuza's view. The curtain was being held by people wearing black clothing and pink masks.
- The curtain was approximately 7' high and 20 - 24' wide.
- Constable Fiuza went around the curtain with Constable Kreamer. The two began to split people up. People were yelling and getting in each other's faces.

Investigative Report

- There were 100 to 150 people in that area. Other people were walking to the festival and ignoring what was going on.
- Constable Fiuza was telling people to keep moving and not escalate the situation and to go on and enjoy your day.
- Constable Fiuza described three groups, those that opposed the festival, the people in the pink masks and those who didn't agree with the opposing group. It was verbal and not physical from what Constable Fiuza could see.
- Constable Fiuza estimated 16 anti-Pride protesters, 4 pink mask screen holders.
- The screen appeared to be used to shield the Festival attendees from the protesters.
- At one point Constable Fiuza had to move the screen back as it was moving and was pushing him into the protesters.
- Constable Fiuza heard people yelling, 'they're fighting'. Constable Fiuza used his radio to ask for more units. Constable Fiuza did not see anyone fighting.
- The male, that Constable Fiuza later saw on the media, known as the helmet guy, approached Constable Fiuza and advised that he had been beat up by a female. The helmet guy had a bloody nose. Constable Fiuza asked, who? The male advised that he didn't know.
- Constable Fiuza and Kreamer were joined by Officers Zafirides and Sorbara. The four Officers were attempting to split people up. Constable Fiuza felt outnumbered.
- Constable Fiuza arrived on scene at the disturbance at 1:10pm. He indicated that it took 2 to 3 minutes to get into the park, and another 2 – 3 minutes to find the disturbance as he was being directed by people in the park.
- Back-up Patrol Officers began to arrive within 5 to 10 minutes. There were approximately 8 to 10 back-up Officers that arrived.
- The Officers formed a line to help keep the parties separated. The parties were still yelling at each other and trying to get into each other's personal space. No one was fighting.
- POU arrived closer to the 10 minute mark.
- POU spoke to the organizer of the anti-Pride protest group and the group left the park.
- The group walked eastbound followed by some POU Officers.
- The male with the helmet did not return to Constable Fiuza. No one else presented to Constable Fiuza to report an assault.

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- Constable Fiuza advised that during the altercation, prior to POU arriving, a private security Officer had produced a baton and expanded it, as though he was going to hit someone. Constable Fiuza told the security Officer to put the baton away.
- Constable Fiuza remained in the park with Acting Sergeant Loppie, Constable Kreamer and Constable Zafirides. Attendees in the park thanked the Officers for coming and for being there.
- The plan was to stay within the park for the rest of the shift. After making a few laps of the Festival the Officers were asked by an organizer if they could patrol the outskirts of Gage Park as they were making the patrons uncomfortable.
- The Officers patrolled the path inside the park, outside of the Festival.

On November 16, 2019 Constable Fiuza provided the following response, in writing, to questions generated following analysis of Involved Person 17's statement:

Situation: Involved Person 17 indicated that she walked over to the police and said, "people are being punched over there". She further advised that the four officers were walking toward the disturbance. They were 100 ft or so away from the disturbance when she first seen them. The female Officer said, "well people punch people what are we going to do?" Involved Person 17 said, "stop them." The female Officer responded, "there is only four of us we can't do anything."

Q) Do you recall being approached by Involved Person 17 as you, Acting Sergeant Sorbara, Constable Zafirides and Constable Kreamer made your way toward the protest. Also do you recall the conversation as articulated by Involved Person 17?

A) When the four of us walked into the park, a lady approached us and stated "they are fighting over there" and pointed in the east direction. She also made a comment about us taking too long but I can't remember the words she used but was something like, "its about time". At no time did I hear any comments besides me asking where the Rose Gardens were. As we approached the area in question, myself and Constable Kreamer were separated from Acting Sergeant Sorbara and Constable Zafirides, as they were talking to another female. During that time I had a person approach and stated that "they are fighting", and directed me to a group of people. That is when I asked for help and started heading over in that direction. During all this, all I heard was that they were fighting and people from both sides yelling at us.

Review Statement of Acting Sergeant Franklin Loppie:

The following is a summary of Hamilton Police Service Acting Sergeant Franklin Loppie's statement. The statement was provided to the Investigator on September 10, 2019 at the Professional Standards office and was audio recorded:

- Acting Sergeant Loppie was on duty in uniform, working a 6am to 6pm shift, in the east end of the City known as Division 20, on June 15, 2019.

Investigative Report

- At the commencement of his shift there was a briefing by Staff Sergeant Groombridge in relation to the Pride Festival that was taking place that day in Gage Park.
- There were Officers assigned to the Festival and Patrol Officers were not to go to the park, as per the request by Festival Organizers; however, if Officers were required to respond they were to do so in pairs.
- At 1:13pm Acting Sergeant Loppie began to respond to the Festival after hearing Acting Sergeant Sorbara request additional units to attend.
- While on route to the call Acting Sergeant Loppie could hear Acting Sergeant Sorbara asks again for more units. Acting Sergeant Loppie felt things were escalating given the sound of Acting Sergeant Sorbara's voice.
- Acting Sergeant Loppie estimated his travel time to the scene at approximately 12 minutes.
- Upon arrival at Main St. and Gage Ave. Acting Sergeant Loppie observed other Patrol Officers entering the park and POU Officers arriving in vehicles.
- Acting Sergeant Loppie observed a large crowd east of the fountain.
- Acting Sergeant Sorbara and other Officers were present and were dividing the two groups of people who were yelling back and forth.
- The POU formed a single line to assist in separating the groups.
- Acting Sergeant Loppie made observations attempting to determine who the instigators / leaders were.
- Acting Sergeant Loppie approached, who he believed may be the leader of the religious protesters, and began a conversation.
- The leader [b7c Involved Person 7] indicated that he wanted the people on the other side of the line arrested for assault. Involved Person 7 agreed to take Acting Sergeant Loppie's business card, with the incident number, with the understanding that he would speak with Acting Sergeant Loppie at a later time.
- Involved Person 7 also agreed to leave the park if the police agreed to escort them out.
- Acting Sergeant Loppie arranged for this to happen with the assistance of the POU.
- Acting Sergeant Loppie assisted the religious protesters in gathering up cameras that were taken and thrown away during the altercation, prior to them being escorted out as a group.

Investigative Report

- Acting Sergeant Loppie later learned that Divisional Detectives had followed up with Involved Person 7, and that CID was taking over the investigation.
- After the group left it was decided from Staff Sergeant Groombridge, and Command, that four Officers would remain in the park in case the protesters returned.
- The four Officers began patrolling the event and were standing near the food vendors.
- The Officers met up with event organizer, Involved Person 1. Acting Sergeant Loppie had spoken with Involved Person 1 earlier when he was speaking with the Involved Person 7.
- Involved Person 1 advised Acting Sergeant Loppie that the Police presence was stressing out the Festival attendees, and that he wanted the Police to leave the park.
- Acting Sergeant Loppie advised Involved Person 1 that he was not going to argue with him, but the Police could not leave the park.
- Acting Sergeant Loppie advised Involved Person 1 that the Police would move back, but they cannot leave the park.
- The Officers moved back to the Fountain area.

Review Statement of Staff Sergeant Shane Groombridge:

The following is a summary of Hamilton Police Service Staff Sergeant Shane Groombridge's statement. The statement was provided to the Investigator on August 29, 2019 at Police Station 20 and was audio recorded:

- On June 15, 2019 Staff Sergeant Groombridge was working uniform patrol in Division 20, which encompasses Gage Park, 1000 Main St. East.
- At the beginning of his shift Staff Sergeant Groombridge had an opportunity to review the Operational plan for the planned Pride Festival.
- Staff Sergeant Groombridge was aware of a possible protest that may occur at the festival, and that a protest did occur at last year's Festival. There was no violence during the 2018 protest; and there was no mention of anticipated violence occurring this year.
- POU had been called in to cover another event at City Hall this year. If issues were to take place at the Pride Festival those resources would be utilized.
- Staff Sergeant Groombridge reviewed the Operational Plan with Acting Sergeant Sorbara. Acting Sergeant Sorbara was detailed to the event along with three other Uniform Officers, and two Plain Clothes Officers. Acting Sergeant Sorbara was instructed to brief the assisting Officers.

Investigative Report

- The Operational Plan mentioned that the Organizers did not want a Uniform Police presence and the Organizers believed that it may agitate things at the Festival.
- The Uniform Officers would monitor the perimeter of the festivities and respond to any issues that may occur. At the same time, the Plain Clothes Officer would monitor the inside of the festivities and communicate with Acting Sergeant Sorbara, who in turn would brief Staff Sergeant Groombridge.
- At 12:57pm Staff Sergeant Groombridge learned that a group from City Hall may be attending the Pride Festival. Staff Sergeant Groombridge contacted Superintendent Schulenberg who indicated that the information was coming from them and that they were aware of it.
- Staff Sergeant Groombridge was alerted via his radio that things were starting up at the Festival and that Acting Sergeant Sorbara and the other units at the park were trying to locate the disturbance. Acting Sergeant Sorbara notified Staff Sergeant Groombridge that there was a disturbance and that it was getting very hectic.
- At 1:09pm Staff Sergeant Groombridge contacted Superintendent Schulenberg and asked for additional resources. Superintendent Schulenberg sent the POU unit to assist.
- Staff Sergeant Groombridge also attended the Park and met with Superintendent Schulenberg.
- The plan moving forward was to leave POU units in the park for some time, and to have Staff Sergeant Groombridge's Uniform Officers walk through the interior of park. Acting Sergeant Loppie was also to assist.
- When Staff Sergeant Groombridge arrived at approximately 2pm there were no protesters in the park. No victims came forward to the Police.
- Staff Sergeant Groombridge met with Organizers, Involved Person 1 and 2.
- Staff Sergeant Groombridge made sure a business card was given to the Organizers with the instructions if anyone was to come forward that the Police would like to speak with the victims and pursue an investigation.
- A short time later Staff Sergeant Groombridge was advised by Acting Sergeant Loppie that his presence was not welcomed inside the park and that he could monitor it from the outside. Staff Sergeant Groombridge believes this message may have been delivered by Involved Person 1.
- Staff Sergeant Groombridge created a media release with a canvass for victims to come forward.

Investigative Report

On November 11, 2019 Staff Sergeant Groombridge provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

- Q) In addition to the statement which you have previously provided regarding the Pride Festival on June 15, 2019, I have one follow up question: During the meeting with Involved Person 1 and 2, following the disturbance, do you recall Staff Sergeant Miscione, or any other HPS member, asking Involved Person 1, "did you consider that none of this would have to happened if you had given us a recruitment booth and if we could have been in the park and deployed differently?"
- A) I did not hear anyone from the HPS make that comment.

Review Statement of Sergeant Paul Corrigan:

The following is a summary of Hamilton Police Service Sergeant Paul Corrigan's statement. The statement was provided to the Investigator on September 18, 2019 at the Professional Standards office and was audio recorded:

- Sergeant Corrigan is assigned to the Hamilton Police Service Intelligence Branch Hate Crime and Extremism Unit.
- On June 15, 2015 Sergeant Corrigan was on duty at City Hall in relation to a Protest Rally. Since October of 2018 there have been ongoing 'Yellow Vest' protests at City Hall. There have also been counter protests which has resulted in violence and arrests.
- A similar protest took place at City Hall the week previous [June 8, 2019], in which information was received that there may be a particular individual with a firearm. That individual did attend; however, no firearm was located.
- Sergeant Corrigan and three other Plain Clothes Officers, Sergeants Chris Button, Emerson Heaslip and Robert Hill, were in attendance at City Hall on June 15, 2019 as part of the overall operational plan.
- Sergeant Corrigan was also aware of the Pride Festival which was taking place at Gage Park the same day.
- During the 2018 Pride Festival a group of right-wing Fundamental Christians attended the festival and stood around the perimeter of the Festival and held up signs opposing the Festival. They were non-violent.
- In 2019 during the lead up to Pride Sergeant Corrigan, with the assistance of an Intelligence Analyst, had been monitoring intelligence sources. Information indicated that the US based group would not be making an appearance this year.
- However, it was believed that a smaller group of local Religious Fundamentalists would turn up to protest the 2019 Pride Festival and that the potential for conflict would be less with this group.

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- Sergeant Corrigan had provided Sergeant Granatier with this intelligence information to assist with her Operational plan for the Pride Festival.
- While at the City Hall protest Sergeant Corrigan learned that some of the Yellow Vest protesters were beginning to leave. Sergeant Corrigan was suspicious of where they may be going and as a result he and his three plain clothes partners drove to Gage Park.
- Upon arrival two Officers got out of the vehicle and entered the park as Sergeant Corrigan looked for parking.
- Sergeant Corrigan received information from the Plain Clothes Officers that things were getting heated in the park with protesters and counter protesters.
- At 1:17pm Sergeant Corrigan called Superintendent Schulenberg to update him.
- The uniform presence that had been on the perimeter was there and they had the group separated. Though it was tense, with lots of yelling, Sergeant Corrigan did not observe any violence taken place.
- Within ten minutes POU and other uniform units were in the park.
- Sergeant Corrigan and his partners drove the area to make sure that the Protesters, who had been escorted out, were actually leaving the area and not congregating to enter the park.
- The protesters seemed to be getting into vehicles and driving off.
- Sergeant Corrigan did not see any of the regular 'Yellow Vectors' present at the park.

Review Statement of Constable Larissa Roechner:

The following is a summary of Hamilton Police Service Constable Larissa Roechner's statement. The statement was provided to the Investigator on September 4, 2019 at the Professional Standards office and was audio recorded:

- Constable Roechner was on duty in uniform in Division 20 on June 15, 2019.
- Constable Roechner was briefed at the beginning of her shift regarding the Pride Festival taking place at Gage Park. She was advised that four uniform officers were detailed to the Park. If further Officers were to respond they were to do so in pairs.
- Constable Roechner was near the park when calls began to come in regarding multiple disturbances in the park. At 1:09 pm Constable Roechner pulled up on Main St. near the fountain area and awaited back-up.

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- Constable Roechner recalled disturbance calls by the greenhouse, the baseball diamond and the fountain. Constable Roechner could not see a disturbance at the Fountain, nor did anyone approach her.
- At approximately 1:11pm Constable Roechner entered the park with back-up and observed two large groups east of the Fountain. Constable Roechner recalled hearing over her radio the Officers assigned to the Festival detail asking for back-up now. Constable Roechner was running at that point.
- There appeared to be Pride participants and protesters. The police were separating the groups and preventing them from clashing.
- Constable Roechner advised that she was one of the first few back-up Officers to arrive.
- At 1:26pm Constable Roechner observed Involved Person 14 hit a protester on the head with a rolled poster. Constable Roechner and Constable McClure immediately arrested the male for assault with a weapon.
- Constable Roechner advised, besides the person she arrested, she did not see any other violence taking place between the two groups. The Police were separating them.
- Other back-up Patrol Officers arrived quickly.
- POU Officers arrived 5 to 10 minutes after Constable Roechner arrived.
- The victim did not come forward, and Constable Roechner was unable to locate a complainant.
- Involved Person 14 was escorted from the park and released unconditionally.

Review Statement of Sergeant Jennifer Granatier:

The following is a summary of Hamilton Police Service Sergeant Jennifer Granatier's statement. The statement was provided to the Investigator on September 23, 2019 at the Professional Standards office and was audio recorded:

- Sergeant Granatier is a member of the Division 20 Crime Managers Unit. Sergeant Granatier has a number of responsibilities, one of which includes preparing operational plans for events, festivals etc. that take place in Division 20.
- On June 13, 2019 Sergeant Granatier received information from Detective Paul Corrigan Intelligence Branch regarding the upcoming Pride Festival taking place in Gage Park on June 15, 2019. Detective Corrigan also mentioned that the Dunnville Pride event was disrupted by an American Evangelists. There was no intelligence to

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indicate that they will attend Gage Park, however, he does not advertise where he is going to appear.

- Sergeant Granatier began drafting an operational plan for the event.
- Sergeant Granatier conducted open source queries regarding the event and similar events within the Province. Sergeant Granatier was aware of a religious protest group attending such events.
- Sergeant Granatier's partner, Sergeant Mark Wilson, obtained a contact number for the Hamilton Pride Organizers.
- Sergeant Granatier received a call back from who she believed at the time was Involved Person 15, but has since learned it was actually Involved Person 1.
- Sergeant Granatier asked Involved Person 1 if he had any concerns regarding the Festival. Sergeant Granatier also mentioned the religious protesters.
- Involved Person 1 expressed that he had absolutely no concerns. That they were there last year and they just stuck to the edge of the park.
- Involved Person 1 went on to say that the protesters held up banners and used loud speakers. However, the Festival had plans to drown them out by turning the Festival music up louder and ignoring them.
- Involved Person 1 advised that they had obtained permits for the band shell, and an area 2 and an area 3, which would extend to the main Fountain in the middle of the park.
- Involved Person 1 advised that that area is so far away from where the main festivities were that they didn't have any concerns. The protesters would not be able to enter those two areas; that they would keep them far away from them, and they would just ignore them.
- The Investigator asked Sergeant Granatier when she was discussing the permit areas with Involved Person 1 if he directed her to pull up a map, or to follow along using a map?
- Sergeant Granatier advised that she was not directed to pull up a map. Involved Person 1 just described the area as extending to the main Fountain area. She was not directed by Involved Person 1 to pull a map up on her computer and follow along.
- The Investigator showed Sergeant Granatier a copy of the map [printed by the Investigator on September 19 during the Investigators interview with Involved Person 1]. The map was obtained by the Investigator from the City of Hamilton website, as directed by Involved Person 1, and depicts Gage Park and permit areas for rent.

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- Sergeant Granatier advised that she had not seen this map before. *[the Investigator viewed Sergeant Granatier's operational plan which contains two maps, one 'Festival of Friends' map, and one Real Estate Book of Hamilton map – none of which look like the City of Hamilton Gage Park permit areas for rent map]*
- Sergeant Granatier asked Involved Person 1 if he had hired any paid duty Officers for the event.
- Involved Person 1 advised they had not, they were too expensive and we didn't really want you there anyway.
- Sergeant Granatier asked why.
- Involved Person 1 advised that this Community are not big fans of Police, and having you all standing around makes people nervous. We don't need you there.
- Sergeant Granatier asked if Involved Person 1 had hired any Security Officers?
- Involved Person 1 advised that he had hired a company called Canadian Protection Services. There were five, but mainly for the beer tent and performance area.
- Sergeant Granatier was aware that the Yellow Vest group had been attending City Hall on Saturdays for the past number of weeks.
- Sergeant Granatier asked Involved Person 1 if he was familiar with the Yellow Vest group and their protest at City Hall, and their potential to move on to Gage Park.
- Sergeant Granatier had no intelligence to indicate that the Yellow Vest group were planning on attending; she had concerns based on the group's beliefs.
- Involved Person 1 advised that he had heard of this Yellow Vest, Yellow Jacket, Yellow whatever group, but again no one will be able to get onto our areas anyway. They will be on the sidelines and we will just turn up the music and ignore them.
- Sergeant Granatier asked Involved Person 1 if he had any other concerns.
- Involved Person 1 said no we're fine.
- Sergeant Granatier provided her name and office number to Involved Person 1. [905-546-2949]
- Sergeant Granatier estimated the call lasted 10 minutes.
- Sergeant Granatier advised that she did not tell Involved Person 1 that he could call her office number on the day of the event, or that she would answer it if he had questions or concerns. Sergeant Granatier went on to say that she does not work weekends; she works Monday to Thursday or Tuesday to Friday.

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- Sergeant Granatier was also off on the Friday, June 14, 2019. She had left the operational plan with Sergeant Wilson; who was working Friday, to make amendments if needed.
- ***Sergeant Granatier reviewed the operational plan with the Investigator. Some of the information within the plan included the follow:***
 - June 2018 was the first year Hamilton Pride Day was celebrated at Gage Park.
 - This year's Pride event will commence at 11:45am and run until 6:00pm. The event is expected to draw upwards of 2000 people.
 - The event will consist of live performers, a disc jockey, vendor booths, local artists, a family play area, face painting and a beer tent.
 - This will be on a smaller scale than the Festival of Friends.
 - Issues of concern for organizers, police, and the public is the anticipated return and presence of a small group of 'Street Evangelists' and preachers.
 - Sergeant Granatier was aware that the same group of Evangelists had attended the previous year. There were approximately 6 - 8 in attendance in 2018. There was no violence in 2018.
 - In addition to the 'Street Evangelist' group, the Hamilton Yellow Vest group will also be in Hamilton on Saturday, June 15, at City Hall.
 - Organizers have obtained a permit for usage of the band shell, area 2 and area 3 which extends north to the main Fountain.
 - Pride Hamilton has advised the HPS that they do not want a uniform presence at the Festival and as such have not hired pay duty Officers.
 - Organizers have hired a private security company, who will be providing five Security Officers to primarily monitor the beer tent and performance area.
 - Two Plain clothes Officers will be deployed from 11:00pm and 7:00pm to monitor the activities occurring within the Festival and report back to a supervisor.
 - Uniform Officers will also be deployed to monitor and assess the Festival, while providing support for the Plain Clothes units.
 - The HPS POU has been called in to attend the 'Hamilton Yellow Vest' protest at Hamilton City Hall. They may be required to attend the Hamilton Pride event should the event become volatile. *Should the Yellow Vest protesters attend Pride.*
 - Should any further information be learned, this will be communicated to Duty Officer Inspector Hennick and the Patrol Staff Sergeant.

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- Acting Sergeant Sorbara will attend the area of Gage Park, prior to 11:45am to assess the area. Acting Sergeant Sorbara will designate the appropriate number of Division 2 Officers to attend if required.
- Uniform Patrol Officers in Division 2 will be made aware of the situation and will be available to attend if needed.
- In the event that an emergency takes place, Central and Mountain D squad are working days; Central and Mountain B Squad are working nights. They may be requested to assist.
- Pride Hamilton Organizers have expressed to the HPS that they do not want uniformed Officers attending the event and an increased presence of such could potentially agitate the crowd.
- The possibility exists that protesters may begin to gather in the area prior to 11:45am.
- It is anticipated that protesters will be holding signs, utilizing loud speakers in the park, near and around the event stage and licensed area.
- There is no intelligence currently available to suggest that a protest is planned to occur at this event. In 2018 a protest did occur. This group attended Pride events in Dunnville, Hamilton and Toronto. This group has already attended the 2019 event in Dunnville so the likelihood of them being present at this event is high.
- Though direction in the operational plan indicated that Uniform Officers were not welcome at the Festival, Sergeant Granatier did not have specific discussions regarding what the particular Uniform deployment would entail.
- ***Operational Plan review concluded***
- ***Investigator reviewed involved Person 1's statement relating to his conversation with Sergeant Granatier on June 13, 2019.***
- Sergeant Granatier advised that Sergeant Wilson had placed a call to the Pride Organization contact number and left a message. A short time later a person, now known as Involved Person 1, called Sergeant Wilson's line and asked for Sergeant Granatier.
- Sergeant Granatier did not have a copy of the SEAT [Special Event Advisory Team] application when she prepared the operational plan.
- Sergeant Granatier did not recall Involved Person 1 asking her why she did not have this information already, when she was asking him general questions about the planned event.

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- Sergeant Granatier did not recall Involved Person 1 saying that the police had been there last year, and that all of the information Sergeant Granatier would need regarding last year was on the internet, or contained in intelligence in her own police service.
- Sergeant Granatier advised that she was not directed by Involved Person 1 to an on-line map.
- Sergeant Granatier does recall Involved Person 1 verbally describing the band shell, area 2 and area 3, which Involved Person 1 said extends to the main Fountain in the middle of the park. Which is far away from the main festivities at the band shell.
- Involved Person 1 made it clear to Sergeant Granatier that they [protesters] would not be able to enter those two areas.
- Sergeant Granatier did not recall Involved Person 1 advising that there would be a larger presence this year. Nor did she respond, *'oh yes we know that, we have heard the same things, we have heard other people are coming to town, the things going on with the City Hall protest and so forth'*.
- Sergeant Granatier did recall asking Involved Person 1 if he was familiar with the Yellow Vest Protest at City Hall and that they had the potential to go to Gage Park. There was no mention of a larger presence.
- Sergeant Granatier did not recall Involved Person 1 saying that he wouldn't find it surprising at all if all the folks from City Hall came down to Pride.
- Sergeant Granatier advised when she did discuss with Involved Person 1 the Yellow Vest group and their protest at City Hall that he didn't care. Even if they did come down that they would not be able to get into our areas.
- Sergeant Granatier did not discuss that a much larger number of protesters were showing up at the event, nor did she say to Involved Person 1 that she was aware of that.
- Sergeant Granatier did not recall Involved Person 1 asking if she had a copy of the permit application. Nor did Involved Person 1 tell her that everyone one gets a copy of this and that everyone had contacted them and that she was the last.
- Sergeant Granatier did not recall Involved Person 1 saying that he did not understand why she was calling to get this information because everything is on the Facebook page. All the information is public.
- Sergeant Granatier did not recall discussing with Involved Person 1 about a time in which Police would make contact with him on the day of the Festival. Sergeant Granatier advised that Involved Person 1 did not want to speak with Police; he did not want them there.

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- Sergeant Granatier did recall discussing with Involved Person 1 the location of where protesters had shown up the previous year, being the edge of the grass, near the Fountain. However, there was no reference to a map when this discussion was taking place. Involved Person 1 advised that he had no concerns, that the protesters stuck to the edge of the grass last year, and they can't come in that area.
- Sergeant Granatier did not recall Involved Person 1 mentioning that the protesters were near white bark trees.
- Sergeant Granatier did recall that Involved Person 1 mentioned that the protesters held up banners last year.
- Sergeant Granatier did not recall Involved Person 1 mention that White Nationalists, Yellow Vectors and others have all been speaking on the internet saying that they are all coming to town this Saturday.
- Sergeant Granatier advised that she did ask Involved Person 1 if he was familiar with the Yellow Vest group. Involved Person 1 advised that he had heard of this Yellow Vest, Yellow Jacket, Yellow whatever group, but they won't be able to go into our area.
- Sergeant Granatier denied saying to Involved Person 1, *'on that day [Festival day] if you need to call someone you can call me'*. Sergeant Granatier did provide her office number to Involved Person 1 should he need to call her back the same day, June 13th. Sergeant Granatier advised that she was not scheduled to work on the day of the event.
- Sergeant Granatier recalled discussing paid duty Officers with Involved Person 1 and Involved Person 1 saying that paid duty Officers are too expensive, and we don't really want them there anyway. Involved Person 1 went on to say that the community is not really big fans of the Police. Having you all just standing around makes people nervous.
- Sergeant Granatier denied starting her conversation with Involved Person 1 saying, *'I heard you didn't want uniformed Officers in the park.'* Nor did Involved Person 1 ask her how she heard that. Also, that she did not say something about *'having read so, or having heard so from someone else on the force.'* Nor, did she say that she had *'read it and heard it publicly and read it and heard it internally.'*
- Sergeant Granatier advised that Involved Person 1 did not say to her that that was interesting, because no one said that publicly, it was a presumption.
- Sergeant Granatier advised that there was no mention or conversation with Involved Person 1 and herself in relation to a recruitment booth.
- Sergeant Granatier advised that Involved Person 1 did not say that the Police were not welcome in the event space, BUT that the police were expected to be north of the area 3 picnic space. Nor did they refer to a map.

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- Sergeant Granatier advised that there was no discussion with Involved Person 1 about a route Yellow Vests and others may take to the Festival.
- Sergeant Granatier advised that she did not have conversation with Involved Person 1 regarding Involved Person 1 expecting Police would be north of the orange area [as indicated on the map], making sure they [protesters] don't come in. Nor did Involved Person 1 advise Sergeant Granatier that the Pride would not be in the orange area, and if Police were to set up there [north of the orange area] no one would notice them. Nor was there any reference to the 'Gage Park Spaces to Rent Map'.
- Sergeant Granatier advised Involved Person 1 did not discuss a tactic that Police used last year that she should be aware of, and make sure everyone knew about. The tactic was that you needed a permit to amplify sound in the Park. The protesters showed up last year and the Police enforced the rule.
- Sergeant Granatier advised that Involved Person 1 made every indication that they were just going to ignore them [protesters] and turn up their music and have a good time.
- Sergeant Granatier advised that Involved Person 1 did not advise her that SEAT had an application and if she didn't have one to contact SEAT. *Sergeant Granatier advised the Investigator that she had not heard of SEAT until this interview.*
- Sergeant Granatier advised that Involved Person 1 did not say to her, *'of course that doesn't prevent the police from doing their job'.*
- Sergeant Granatier advised that Involved Person 1 did not say, *'so this is our event space [indicating the green area], this is the permit space [indicating the orange area], if you want to come and hang out here and wait for them, by all means go ahead. Nor was the Gage Park Spaces to Rent map referred to.*
- Sergeant Granatier advised that Involved Person 1 did not say to her, *'If you are looking to intercept these people to prevent them from coming into our permitted areas, then obviously the place you would stand is where you would expect them to come.'*
- Sergeant Granatier advised that Involved Person 1 did not say to her, *'I can't tell you what to do; it's not my job to tell you how to do your job. If a huge crime is being committed in the event area and you're going to show up and stop that crime from being committed or stop that crime. That's your job. However, we don't want you to have a recruitment booth, and we don't want armed and Uniformed Officers walking around the park.'*
- Sergeant Granatier never advised that the Police would be there at 11:30am, nor was she instructed by Involved Person 1 to show up at 11:00am.
- Sergeant Granatier advised that Involved Person 1 did not walk her through a map regarding the Festival event space.

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- Sergeant Granatier advised that she had only one conversation, she did not speak with any other Pride Organizer.

Review Statement of Sergeant Mark Wilson:

The following is a summary of Hamilton Police Service Sergeant Mark Wilson's statement. The statement was provided to the Investigator on September 24, 2019 at the Professional Standards office and was audio recorded:

- On June 13, 2019 Sergeant Wilson was assigned to the Division 20 Crime Managers Unit along with Sergeant Granatier.
- Sergeant Wilson assisted Sergeant Granatier in preparing the operational plan for the June 15, 2019 Pride Festival.
- Sergeant Wilson located a Facebook site for the event; however, he was unable to find a contact number. Sergeant Wilson discovered from online searches that the Pride event was also connected to the Hamilton Aids Network. Sergeant Wilson made contact and learned that the Aids Network were no longer in trust with the event, however, they were able to provide a contact number for the event.
- Sergeant Wilson called the number and left a message and later received a call back. Sergeant Wilson passed his phone receiver to Sergeant Granatier as she was the lead for the operational plan.
- Sergeant Wilson was present during the conversation. Sergeants Wilson and Granatier discussed the conversation when the phone call ended.
- Sergeant Granatier completed the operational plan that day. Sergeant Granatier was off on June 14 and Sergeant Wilson was working.
- Sergeant Wilson was asked on June 14 by Superintendent Worster [Division 20 Commander] to modify the Plan.
- The modifications included the deployment of Plain Clothes Officers. The reason for this was from information that Sergeant Granatier had received from her conversation with the organizer that a uniform presence was not welcomed at the event. The compromise to this was to have units to attend the perimeter of the Festival; however, it was also decided to have a Police presence inside, in plain clothes. The Plain Clothes Officers were to report any issues inside that may require the perimeter units to enter into the Festival.
- The plan was to respect the Festival Organizers wishes and have the Uniform Officers remain on the perimeter near Gage Ave and Maplewood Ave area, which is close to the band shell.

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- Sergeant Wilson was not aware of a Special Events Advisory Team [SEAT] application for the event.
- Sergeant Wilson answered the call from Pride; however, he did not make note of the caller, he handed his phone to Sergeant Granatier.
- Sergeant Wilson remained in the room during the conversation, but shifted his chair away from his computer to give Sergeant Granatier room to use his phone. Sergeant Wilson estimated the call lasting 10 to 12 minutes.
- Sergeant Wilson could not recall Sergeant Granatier referring to an electronic map during the conversation. Sergeant Wilson advised that he has a tech background and would have been there to help with computer navigation. He did not recall anything such as a computer map during the conversation. Also, given that Sergeant Granatier was using Sergeant Wilson's phone, and that she was standing at the time, if she needed to use his computer he would have given her his chair. Sergeant Wilson does not recall this happening. He does not recall her using the computer at all.
- Sergeant Wilson could not recall the exact details of Sergeant Granatier's conversation with the organizer; however, he and Sergeant Granatier did have conversation after the call. He recalled discussing if the event was licenced, Sergeant Wilson believed that it was not, the expected numbers, whether there was paid duties hired, acts performing at the band shell and protesters that showed up last year. Whoever Sergeant Granatier spoke to did not seem too concerned about the protesters, they said that the protesters mainly stayed at the outskirts of the park, closer to the end of the Fountain. They said we just ignore them; it's so far away from the Festival. Also that they did not want paid duty Officers.
- Sergeant Wilson could not recall any conversation regarding private security or Yellow Vests. Sergeant Wilson has no recollection if Sergeant Granatier provided her phone number or not. Sergeant Wilson does not recall if Sergeant Granatier told the Organizer that he could call her on Saturday if there were any concerns. However, Sergeant Wilson was aware that Sergeant Granatier was working Monday to Thursday that week and would not have been in on Saturday. If she was working Saturday, she would have put herself in the operational plan.

Review Statement of Staff Sergeant Frank Miscione:

The following is a summary of Hamilton Police Service Staff Sergeant Frank Miscione's statement. The statement was provided to the Investigator on September 6, 2019 at the Professional Standards office and was audio recorded:

- Staff Sergeant Miscione is currently assigned to the Chief's Executive Officer position. Staff Sergeant Miscione's secondary role is a supervisor with the POU.
- On June 15, 2019 Staff Sergeant Miscione was assigned to the POU as part of the Command team.

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- On the day of his deployment Staff Sergeant Miscione was utilizing special duty channel 1 and the Division 20 Patrol channel.
- Staff Sergeant Miscione was aware of three operational plans that were in place on June 15. The first dealt with a planned protest at City Hall, the second dealt with the Pride Festival at Gage Park and the third was a general POU deployment plan.
- At 8:00am Staff Sergeant Miscione was involved in a briefing with 4 HPS 'ACTION' team members and POU supervisors.
- At 9:00am Staff Sergeant Miscione was involved in a second briefing with POU and those involved at City Hall.
- There had been previous protests and disturbances at City Hall for several months. It was expected that Yellow Vest protesters and an opposing group known as Antifa would be in attendance. It was estimated 80 to 120 would be in attendance.
- Staff Sergeant Miscione was aware that there was a potential for an anti LGBTQ religious group to attend at the Pride Festival. The group had attended the previous year and they had attended different Cities in Ontario.
- Intelligence suggested that it was a small group of 2 to 8 members known to hold offensive signs.
- Staff Sergeant Miscione was aware that the same group attended Pride last year and that there was a verbal disturbance and clashing but no violence.
- Staff Sergeant Miscione was aware that the POU unit would deploy to Gage Park if needed. This was included in the POU briefings. There was no expected violence at the Pride Festival.
- Each of the six POU teams had a van that could be utilized for redeployment to Gage Park if needed.
- The Command team also consisted of Superintendent Schulenberg, who was on ground, and Acting Deputy Chief Worster.
- Protesters came and went from City Hall from 10:00am to 1:00pm. With the highest amount at any one time being approximately 50 persons.
- At 12:50pm Staff Sergeant Miscione became aware via his radio that there may be a large group from City Hall leaving to possibly go to Gage Park.
- Staff Sergeant Miscione undertook to confirm the information that had originally come from one of the POU members who was near the protesters. It was learned that it was Yellow Vests, however, none had left at that time.

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- Staff Sergeant Miscione was aware that there were Plain Clothes Officers in Gage Park, supported by Uniform Officers on the perimeter of the park.
- At 1:02pm Staff Sergeant Miscione began pulling teams out from City Hall to begin getting the POU ready should they need to redeploy at Gage Park.
- At that time the groups at City Hall had dwindled with no action taking place between the two groups.
- It was felt that the numbers at City Hall were low enough to have the HPS ACTION team manage City Hall, and that the POU team could be pulled back.
- At 1:06pm the remaining POU teams were pulled back from City Hall.
- Staff Sergeant Miscione received an update from Superintendent Schulenberg that things were heating up at Gage Park.
- At 1:09pm Staff Sergeant Miscione sent the first team to Gage Park.
- At 1:17pm Staff Sergeant Miscione instructs ACTION to watch the Antifa group as there was intelligence information that they [Antifa] may also go to Gage Park.
- Most, but not the entire Yellow Vest group had left City Hall.
- At 1:17pm information on via POU radio that Division 20 units are calling for more units at Gage Park near the Fountain.
- Staff Sergeant Miscione acknowledged that two teams were headed there right now. The two teams were only a few blocks away.
- At 1:19pm Staff Sergeant Miscione sent the two remaining POU teams to Gage Park. 28 members in total.
- At 1:19pm Staff Sergeant Miscione received information via the POU channel that the Antifa group were leaving City Hall and getting into cars.
- As per Division 20 radio at 1:20pm two POU teams were at Gage Park at the Fountain and were looking for the disturbance.
- As per Division 20 radio at 1:22pm POU was still looking for the disturbance. There was information that it was near the Greenhouses.
- At 1:23pm two POU teams were in place between the two groups, there were no longer any assaults taking place.
- Staff Sergeant Miscione is not aware of any assaults being witnessed by POU. He is aware that Constable Roegner did make an arrest of a party for assault.

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- At 1:24pm POU Officers indicate that this is the same Yellow Vest group from City Hall.
- At 1:30pm Staff Sergeant Miscione entered the park.
- At 1:45pm the situation was under control at Gage Park.
- Staff Sergeant Miscione met with Acting Sergeant Sorbara and Staff Sergeant Groombridge.
- Staff Sergeant Miscione also spoke with a male and female who introduced themselves as organizers, believed to be Involved Person 1 and 2. Staff Sergeant Miscione advised them that everything is under control and that POU will remain in the area for a while.
- Staff Sergeant Miscione was present when Superintendent Schulenberg appealed to Involved Person 1 and 2 to see if anyone will come forward as a complainant. The organizers had brought to Staff Sergeant Miscione's attention that there had been assaults.
- No victims had come forward at that time. Involved Person 1 and 2 were asked to assist in identifying victims and assist them in coming forward.
- During discussions regarding the disturbance Staff Sergeant Miscione asked Involved Person 1 if it was true that he had said that he did not want Police in the park. Involved Person 1 advised that he did not say that.
- POU remained at the perimeter of the park until 3pm.
- Staff Sergeant Miscione indicated that upon his arrival at the Park POU were interacting with two groups near the northeast end of the park.
- There were approximately 100 LGBTQ community members and 20 to 30 Yellow Vests and Religious group. The groups were separated by POU and Uniform Officers. The groups were yelling at each other.
- The Yellow Vests and Religious groups were outnumbered 3 to 1 and they were beginning to get flanked.
- Staff Sergeant Miscione was informed by Acting Sergeant Loppie that the Religious group wanted to leave.
- At approximately 1:45pm half of the POU assisted in escorting the Religious group and Yellow Vests group out of the park. The groups dispersed and the Pride attendees returned to the Festival.
- Many attendees thanked the Officers and showed appreciation for them being there.

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- Members of Intelligence Unit followed the groups to make sure they got in their cars and left.
- Superintendent Schulenberg provided Involved Person 1 and 2 with his card when he appealed for victims to come forward.
- The Investigator Reviewed the HPS POU Policy 4.3.38 with Staff Sergeant Miscione. The Policy indicates that *when activated, the POU will comprise of a minimum of 28 Officers (4 squads of 7, including the squad leader), operating under the command of the Unit Supervisor*
- Staff Sergeant Miscione advised that the POU policy numbers relate to a riot situation. In relation to the City Hall protest rally, POU was deployed, however, as a crowd management technique, not a crowd control technique. In those instances patrol officers can supplement the teams. The POU team on that day consisted of 23 POU members and 5 Uniform members.
- The POU team was simply interacting with people at a protest; the Team was not deploying POU tactics such as GS gas, or the use of public order formations. It was simply roving teams keeping the peace at City Hall. POU members were being utilized; however it was not an official POU call out.

On November 8, 2019 Staff Sergeant Miscione provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

Q) Did you say to Involved Person 1, *'did you consider that none of this would have happened if you had given us a recruitment booth and if we could have been in the park and deployed differently?*

A) I will, without a doubt, say that I did not make that statement to Involved Person 1. I did speak with Involved person 1 for a total of about 30 seconds. Myself and Supt. Schulenberg were approached in the parking lot after the disturbance by a female who identified herself as the organizer and Involved Person 1. Supt. Schulenberg began speaking with them both and I was listening. At one point in the conversation I did make a statement to Involved Person 1 in response to something he had said about our lack of presence in the park "I heard that you had said you did not want uniform police presence in the park." This was in reference to his CHML or Cable 14 (can't remember which) interview a few days before where he stated publicly that police were not welcome at this event. His answer to that was "I didn't say that." That was the extent of the conversation. I did not respond to him and I left the group and went to speak with Det. Corrigan who was in a vehicle nearby. I stayed there until Staff Sergeant Groombridge arrived and began speaking to Involved Person 1 and the female organizer, at which time myself and Supt. Schulenberg left in his vehicle. I was not aware at the time of this interaction of the conversation that had previously taken place between the police and Involved Person 1 regarding a recruitment booth. I learned about that after the incident.

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Review Statement of Superintendent M. Schulenberg:

The following is a summary of Hamilton Police Service Superintendent M. Schulenberg's statement. The statement was provided in written format.

- On Thursday June 13th 2019 I was assigned by A/D/C M. Worster to be the Incident Commander for a protest demonstration that was set for Saturday June 15th 2019 at City Hall 71 Main St W Hamilton. I was advised that the preplanned event included a group identified as the "Yellow Vests" who have been holding Saturday protests in Hamilton since late 2018. Recent developments had led to information that a counter rally to this group would be held on June 15th, also at City Hall. The counter rally was to include groups identified as 'Antifa' and 'Hamilton Against Fascism'. I was also advised by A/D/C Worster that a PRIDE event would be occurring at Gage Park on June 15th, and that should police assistance be required at that location, the Public Order Unit could be redeployed from my event at City Hall. The PRIDE event was to fall under command of the Duty Officer Insp D. Hennick care of the on-duty Staff Sergeant S. Groombridge.
- At 0700 hrs on Saturday June 15th, 2019 I attended Central Station and reviewed three operational plans: 1) General Operational Plan for City Hall 19-647026 prepared by Sergeant M. Fletcher 2) POU Operational Plan for City Hall 19-647026 prepared by Sergeant F. Giuliani 3) PRIDE Operational Plan for Gage Park prepared by Sergeant J. Granatier 19-648035.
- In relation to the City Hall Yellow Vest demonstration and counter-protest I learned the following information:
 - Yellow Vests are opposed to and protest issues including the UN Global Compact for Safe, Orderly and Regular Migration agreement, Prime Minister Justin Trudeau and the Liberal Party, Carbon Tax and Immigration.
 - Yellow Vests are ideologically tied to a larger movement across Ontario, Canada and beyond. Supporters range and represent a diversity of people and opinion as shown on open source media.
 - Yellow Vests are not expected to come armed with weapons, are generally not anti-police and will follow direction.
 - Yellow Vests protests in Hamilton have also been attended by groups such as the Proud Boys, The Son's of Odin (Hamilton and Oshawa), the 3% Group and the Canadian Nationalist Party. All of these groups have indicated in the past that they provide "muscle" for the Yellow Vests and their leaders including [named person] and [named person] are known for their "extremist views".
 - Antifa and Hamilton Against Fascism are groups that are associated to the Tower – an Anarchist organization located in Hamilton. These groups may be supported by labor unions.

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- Demonstrations that occurred on June 1st and June 8th 2019 at Hamilton City Hall included both above listed opposing groups. Many members on the Antifa side were wearing black masks and balaclavas and equipped with red flags. A disturbance resulted and one individual from the Yellow Vest side was arrested for assault on June 8th. There was information on that date that persons attending may be armed with firearms.
- On June 15th a bus load may attend Hamilton City Hall with members of the Niagara Against Fascism group.
- An individual reported to have been armed with a handgun (unconfirmed) while attending a G7 Summit in Ottawa in 2018 was confirmed as having attended the June 8th demonstration in Hamilton, and expected to also attend on June 15th in Hamilton.
- In total 80-120 people were anticipated to attend the June 15th demonstration at Hamilton City Hall.
- The Mission for this event was "The Hamilton Police Service is committed to providing a safe environment for the Community at large and to ensure proper crowd management. We will continue to respect the rights and freedoms of persons to gather in a lawful assembly. We will maintain public safety while prevent personal injury of property damage."
- In relation to the PRIDE event I learned the following information:
 - June 15th 2019 will mark the second annual PRIDE event held at Gage Park
 - 2000 people are expected to attend the event which includes entertainment and a beer tent
 - Issues of concern include the anticipated attendance of a small group of 'Street Evangelists' and preachers that travel to PRIDE events in southern Ontario in the months of June and July.
 - In 2018, 6 – 8 protesters attended the event with banners.
 - The Hamilton Yellow Vest groups that protest economic policies are associated to the 'Soldiers of Odin', 'Northern Guard', and 'Proud Boys'. These groups are known to make anti-immigrant and racist rhetoric, supporting white nationalists and known hate groups, also known to intimidate marginalized Canadian communities.
 - PRIDE organizers do not want a uniform presence at their event – there are no voluntary paid duties officers assigned. Private security has been contracted by the event organizers.
 - Incident Command for this event will fall under patrol S/Sergeant S. Groombridge to the Duty Officer Insp D. Hennick.

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- If required POU from the City Hall demonstration will be deployed to Gage Park at the discretion of the Duty Officer in consultation with the Superintendent of Support Services and the Deputy Chief of Operations.
- The Mission for this event was: "The Hamilton Police Service is committed to providing a safe environment for the Community at large and to ensure proper crowd management. We will continue to respect the rights and freedoms of persons to gather in a lawful assembly and assist in facilitating such undertakings. We will maintain public safety while preventing personal injury or property damage."
- At approx. 0800 hrs I attended a briefing at Central Stn with the supervisors for the City Hall event. The briefing was led by S/Sergeant F. Miscione and was attended by Sergeant's J. LaFleur, B. Adams, C. Robinson, J. Barron and F. Giuliani.
- At 0900 hrs I attended a main briefing at Central Stn gym with all the officers involved in the City Hall briefing. It was led by S/Sergeant Miscione and myself and included a review of the Situation, Mission, Execution, Administration, and Command & Communications for the plan. Det P. Corrigan Intell provided background information on the groups anticipated at City Hall. S/Sergeant Miscione also reviewed general police authorities, officer safety and professionalism / deportment. The briefing concluded at 0930 hrs. A sign-in was completed of all members attending this briefing including plain-clothes intelligence officers, ACTION officers, Public Order Unit officers, uniform officers, Court Custody / Prisoner Transport officers, Emergency Response Officers and Criminal Investigative Division officers.
- At 1000 hrs I deployed to a Command post at Hamilton City Hall with S/Sergeant Miscione. Officers were deployed per the operational plan. During this time officers monitored two groups of demonstrators that represented the interests referenced in the operational plan – both Yellow Vests and Antifa. Officers were able to successfully form two lines across the forecourt of City Hall, effectively keeping the groups away from one another as a de-escalation tactic. I was advised via S/Sergeant Miscione that both groups attempted to provoke one another – yelling insults at one another.
- Members on the Antifa side were wearing black bandanas over their faces, carrying back packs and red and black flags and banners. Members on the Yellow Vest side included individuals wearing black shirts with yellow crosses on them, as well as individuals wearing shirts with the words 'Canadian Nationalist Party'. There were approximately 25 people per side during this time.
- At 1125 hrs I advised A/D/C Worster that the situation at City Hall was calm but it was too early to make any demobilization plans for POU and uniform members.
- At 1130 hrs I checked in with S/Sergeant Groombridge Div 20 to determine if there any concerns at Gage Park. He indicated no that that he would advise me if there were any issues.

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- At 1219 hrs I checked in again with S/Sergeant Groombridge Div 20 and he advised me that things were just getting started with attendance at approximately 300 people. The event was peaceful with no protesters and that he would advise me if anything further developed.
- At 1230 hrs I released Court Custody / Prisoner Transportation and ERU officers.
- At 1240 hrs I checked with Intell Det P. Corrigan to see if there was any further intelligence regarding protest activities – upon hearing that there was no new information we discussed and agreed to release two intelligence officers from duty. At this time deployment tactics appeared to be effective and had reduced potential for conflict and escalation.
- At 1251 hrs I noted that attendance at City Hall was thinning. S/Sergeant Miscione and I discussed strategically moving teams from the forecourt of City Hall in order to facilitate additional dispersal and prepare for any alternate deployment that might be required either around City Hall or Gage Park. At this time Sergeant B. Adams advised on the radio that some attendees may proceed to Gage Park. I called Det P. Corrigan at 1252 hrs to discuss this and asked him to attend that location to assess. At 1257 hrs Sergeant B. Adams further advised on the air that the groups that may be attending Gage Park were Yellow Vests. At 1258 hrs I asked S/Sergeant Miscione to confirm and source this information from Sergeant Adams. I also advised S/Sergeant Miscione to prepare to send two POU teams to Gage Park and leave ACTION officers back to monitor Antifa members to determine what might continue to transpire at City Hall. Outstanding at this time was the anticipated bus of individuals from Niagara Against Fascism. Two additional POU teams would remain at City Hall in order to respond to any further developments in this area. By 1300 hrs all POU lines were demobilized at City Hall.
- At 1305 hrs all remaining demonstrators were leaving the forecourt area of City Hall and ACTION continued to monitor members leaving the area from the Antifa group.
- At 1309 hrs I received a call from S/Sergeant Groombridge advising that there was a disturbance at Gage Park and he requested additional support. I advised him that two teams were already responding from City Hall. During this call I noted that S/Sergeant Miscione was on the phone to one of the POU teams and confirmed that he had directed them to respond directly to Gage Park. At 1310 hrs I received a call from Det Corrigan advising me that he had heard about reports of a disturbance at Gage Park.
- At 1310 hrs I released the remaining Intell officers at City Hall – Det's S. Coveyduck, J. Turner, and D. Nicolleti. S/Sergeant Miscione and I proceeded to mobilize to Gage Park with the remaining two POU teams. All POU members were in uniform operating plain door vehicles.
- S/Sergeant Miscione and I arrived at Gage Park at 1330 hrs. We located the source of the disturbance at a cross-section of roadways in the park located south of the center fountain and north of the rose-gardens and greenhouses. This area is 249 meters or 819 feet from the main PRIDE event located at the band-shell near Gage Ave S and Cumberland Ave. Upon my arrival POU teams had already deployed in a line

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formation separating two large groups of combatants, all of whom were very agitated and yelling at one another. There were approximately 100-150 people present on this laneway intersection with many more on the periphery. It appeared that the groups had mobilized around two main opposing groups – PRIDE on the south side of the laneway and Yellow Vest & various other groups on the north. I requested that S/Sergeant Groombridge and A/Sergeant Sorbara attend my location in order to receive a briefing of what was occurring. Within minutes at 1332 hrs POU Supervisors including Sergeant B. Adams and patrol A/Sergeant F. Loppie were able to successfully de-escalate the situation by gaining cooperation from the group of demonstrators, escorting them out of the park.

- The situation quickly returned to calm after the exit of the above mentioned group. I was advised by patrol officers present including PC L. Roechner that some punches were thrown and people were shoving one another. I was also advised that participants were using signs as weapons but no EMS had been called, and that no one had presented themselves to officers with any injuries. Det Corrigan advised me that the main disturbance was between a group of 10-20 individuals. Given what had transpired and what was reported to me, I assembled all officers on scene to canvass and determine if anyone had any evidence of assaults – victims or witnesses that would support a criminal investigation. PC Roechner indicated that she had made one arrest but had already trespassed and released the individual due to lack of a complainant. I advised her to submit a report. I also checked all members to determine if there were any injuries or UOF that should be reported – this was met with no reports.
- I then asked S/Sergeant Groombridge and A/Sergeant Sorbara to connect with event organizers to determine if we can locate and identify any further victims or witnesses to the disturbance. I directed POU teams to continue to patrol the perimeter of the PRIDE event. At approx. 1348 hrs I was able to locate Involved Person 1 in the area of the Lawrence Rd parking lot – he identified himself to me as the PRIDE event organizer. I asked him what we could do to continue to monitor this event and suggested that we continue patrols of the area. He indicated that the Yellow Vests were concerning because they didn't know the laws like the street preachers do, and thus were more volatile. He also stated that he never said we don't want the police here. I supplied my business card and introduced Involved Person 1 to S/Sergeant Groombridge – asking him if it was possible to assist us in identifying anyone that was a victim or witness to any assaults. I asked if there was anyone being treated by EMS and he advised that he believed so but didn't know who they were or where they were. I advised Involved Person 1 that we would appreciate his assistance and appealed for cooperation with the identification of witnesses or victims.
- At 1430 hrs I updated A/D/C Worster regarding the events that had transpired and discussed next steps recommending a media release to appeal for witnesses and victims. Based on this conversation I asked S/Sergeant Groombridge to draft a release in consultation with Corp Communicator Jackie Penman. At this time S/Sergeant Miscione and I debriefed all POU officers.

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- At 1442 hrs I was advised by Det Corrigan that he had confirmed the group identifying with the Yellow Vest's that were escorted out of Gage Park had left the area in vehicles.
- At 1500 hrs after consultation with A/D/C Worster all POU units were released. Sergeant B. Adams was directed to submit a general occurrence report regarding the POU deployment on this date.
- At 1510 hrs I returned to my office and at 1535 hrs I completed my shift. I was advised later by S/Sergeant Groombridge that Involved Person 1 had requested that police remove themselves from the PRIDE event for the remainder of the day.

On November 13, 2019 Superintendent Schulenberg provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

Q) In addition to the written statement which you have previously provided regarding the Pride Festival on June 15, 2019, I have one follow up question: During the meeting with Involved Persons 1 and 2, following the disturbance, do you recall Staff Sergeant Miscione, or any other HPS member, asking Involved Person 1, "did you consider that none of this would have happened if you had given us a recruitment booth and if we could have been in the park and deployed differently?"

A) I recall the conversation that you are referencing between Involved Persons 1 and 2, S/Sgt Miscione, two security guards and myself. At no time did any HPS officer state that "...none of this would have happened to you if you had given us a recruitment booth and if we could have been in the park and deployed differently." While I was speaking to Involved Person 2 I did overhear a short conversation between Involved Person 1 and S/Sgt Miscione. I recall Involved Person 1 attempting to engage in discussion about pre-deployment plans to which I responded that the immediate priority was to address public safety for the duration of PRIDE event, not pre-event planning. We continued to gather information and formulate next steps with both Involved Persons 1 and 2, and there was no further discussion regarding pre-deployment plans in my presence.

Review Statement of Inspector Mark Stiller:

The following is a summary of Hamilton Police Service Inspector Mark Stiller's statement. The statement was provided to the Investigator on October 3, 2019 at the HPS Police Headquarters and was audio recorded:

- Inspector Stiller was not involved in the preparation of deployment of resources for the June 15, 2019 City Hall protest, or the Pride Festival event.
- Inspector Stiller is currently assigned to the Investigative Services Division. Inspector Stiller has been a member of the POU for 17 years as a team member and a supervisor, and is currently a trained POU commander. Inspector Stiller has also received training in the preparation of operational plans, and as part of his duties has prepared, reviewed and approved operational plans.

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- Inspector Stiller reviewed with the Investigator the operational plans for the June 15, 2019 City Hall protest, the Pride Festival at Gage Park and the POU General Operational Plan. Inspector Stiller also reviewed portions of the POU HPS Policy 4.3.38
- POU Policy 4.3.38 A. 1. States: *The Public Order Unit (POU) will provide crowd control support to supplement Uniform Patrol Officers at venues whether a crowd has gathered or is congregating, to provide a proactive approach to crowd management.*
- Section A. 5. States: *when activated, the POU will comprise of a minimum of 28 Officers (4 squads of 7, including the squad leader), operating under the command of the Unit Supervisor*
- The Investigator asked Inspector Stiller about the deployment of less POU, such as 23 members being deployed at City Hall, supplemented by Uniform Patrol Officers.
- Inspector Stiller advised that to be categorized as a POU activation or deployment the minimum would be 28 Officers, and a POU commander would be necessary on the ground.
- That said, smaller teams of POU Officers can also be deployed and would not require an on ground Commander.
- Section B 2. A. of the policy states: *the POU may be activated in the following circumstances - in anticipation of a crowd of protesters*
- The June 15, 2019 City Hall Protest Operational Plan indicated an escalation in conflict between the opposing groups in the weeks leading up to June 15. The June 15 City Hall protest also identified potential for a violent confrontation with an estimated 80 to 120 people in attendance.
- Inspector Stiller explained that in addition to an event plan, such as the City Hall Operational Plan, the POU will also create, in concert with the overall plan, their own Operational Plan, based specifically on the technical requirements of the POU Team.
- The POU Operational Plan indicated that on June 8, 2019 a large number of supporters for both sides attended City Hall. An assault occurred and arrests were made against members of the Right Wing movement – through source information it is anticipated that increased numbers from both groups is anticipated for the June 15 rally – Intelligence section will continue to monitor social media and forward information as it becomes available – HPS will deploy POU members to augment the uniform patrol officers, ACTION officers and Intelligence officers assigned to this event.
- The POU Operational Plan goes on to say that POU members will have access to vehicles if quick deployment to other areas of the City is necessary.

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- The Pride Operational Plan indicates that on Saturday June 15, 2019 from 11:45am until 6:00pm, Hamilton's Gage Park will once again be hosting this day of Celebration. It is expected to draw upwards of 2000 people.
- The Operational Plan indicates that issues of concern for organizers, police and the public is the anticipated return and presence of a small group of 'Street Evangelists' and preachers – this group attended in 2018 – it consisted of 6 to 8 protesters holding large banners and shouting just outside of 'area 3'.
- In addition to the 'Street Evangelist' group, the Hamilton Yellow Vest group will also be in Hamilton on Saturday June 15 at City Hall.
- HPS Public Order Unit has been called in Saturday June 15 to attend the Hamilton Yellow Vest protest at Hamilton City Hall. They may be required to attend the Hamilton PRIDE event should the event become volatile.
- The HPS Public Order Unit will be utilized at the discretion of the Duty Officer in consultation with the Superintendent of Support Services [Superintendent Schulenberg] and the Deputy Chief of Operations.
- Inspector Stiller advised that having Superintendent Schulenberg on ground at City Hall as the POU Commander, would allow for Superintendent Schulenberg to quickly make the decision to move the POU to another location if required.
- Inspector Stiller advised that these types of events are very fluid. Protest groups can take to the streets and go mobile, the POU could then move with them to maintain public safety.
- In the event that an emergency takes place, Central and Mountain Patrol Units may be requested to assist.
- Inspector Stiller advised that given the information related to the City Hall Protest, the expected 80 to 120 protesters, the intelligence information and the propensity for violence, a POU call out would be prudent.
- Inspector Stiller further advised that given the information relating to the Pride event in Gage Park, such as the history of 6 to 8 protesters attending the previous year, the lack of violence and no further intelligence to indicate that large numbers of protesters would be attending, and given that 2000 attendees were expected through the day, a compliment of 6 Officers attending the event would not be out of the ordinary. Also knowing that POU was at City Hall where Yellow Vestors were present and if those Yellow Vestors were to move to Pride then POU would move with them.

Review Statement of Constable Dave Hamilton:

The following is a summary of Hamilton Police Service Constable Dave Hamilton's statement. The statement was provided to the Investigator on November 19, 2019 via the telephone and was audio recorded:

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- Constable Hamilton advised that the Pride Festival Committee had reached out to Sandra Wilson prior to pride – Sandra Wilson was the former HPS Community / Race Relations Coordinator. The emails had gone unanswered as Sandra Wilson had retired. At the time Constable Hamilton was a member of the HPS Internal Support Network.
- Upon learning that Pride had reached out, Constable Hamilton contacted the Pride Festival Committee and arrangements were made to meet with Police. A meeting was set for February 25th, 2019. That meeting was postponed – Constable Hamilton believes that someone may have been ill.
- The meeting was rescheduled for March 23. Constable Hamilton and fellow HPS Internal Support Network member, and HPS dispatcher, Jeff Potticary, attended at the scheduled location at the Hamilton Public Library. However, the location within the Library had been changed last minute and Constable Hamilton and Potticary were not aware as they did not have access to their work email prior to the meeting.
- Another meeting was scheduled for April 15. Constable Hamilton and Potticary met with two Pride Festival Committee members. One of which was Involved Person 1. It was discussed during the meeting what it may look like for members of the Hamilton Police to attend the Pride Festival.
- Constable Hamilton discussed the Police having involvement in the Festival if possible. Constable Hamilton also suggested the possibility of having a Police recruitment booth. The Pride members indicated that the request for Police involvement would have to be taken back to the Community and next Hamilton Pride Committee.
- Constable Hamilton was also advised to submit an application to Hamilton Pride regarding the recruitment booth. Constable Hamilton advised the Pride Committee members that the Police would like some sort of involvement, be it a recruitment booth, Uniform Officers or members in plainclothes on their off time showing up to support Hamilton Pride and the LGBTQ2S+ Community.
- Constable Hamilton learned that the Recruitment booth was denied and at that time it was too late for Pride to arrive at a decision regarding Police involvement at the 2019 Pride Festival.

Review Statement of Regan Fiuza:

The following is a summary of Hamilton Police Service Dispatcher Regan Fiuza. The statement was provided in writing to the Investigator on November 7, 2019.

Regan Fiuza is an HPS Communications Supervisor and Dispatcher. Regan Fiuza responded to the Investigators request regarding the HPS Priority Response System, in particular the Priority 5 response classification relating to the June 15, 2019 Pride Festival event 19648035.

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Ms. Fiuza indicated that 19648035 was created as a CMB - Community Based Policing event at the request of Acting Sergeant Sorbara. It is a priority 5 event, which means an officer generated event. The call type chosen reflects most accurately the type of event the officers were responding to.

The default priority is a 5 - reflecting an officer generated event and the priority would change based on the comments added to the call. The priority was not changed by any call taker specifically in this event chronology as the officers were already on scene. Rather the increased priority would be reflected in the dispatcher's voice and comments over the transmissions on the air.

Review Statement of Staff Sergeant Ben Thibodeau:

The following is a summary of Hamilton Police Service Staff Sergeant Ben Thibodeau's statement. The statement was provided in written format in response to questions posed by the Investigator.

Staff Sergeant Thibodeau responded... On June 15th 2019, an annual Pride celebration was held in Gage Park (1000 Main Street East, Hamilton), where several hundreds of people were in attendance. Independent from the organized celebration, protesters from different views converged and collided in an area near the Pride event. As a result, criminal offences were committed. Individuals present were able to record the interactions and fragmented portions of the footage were uploaded on various social media sites, including, but not limited to, Youtube. Amongst other things, the footage depicted acts of violence, general disturbance, and police interventions.

As a result of the events that unfolded on that date, it is my understanding that a number of public complaints were filed, specifically regarding the police response and the follow up investigation. The intention of this memorandum is to outline the actions of the officers assigned to Division 20 Criminal Investigation Division (CID) with regards to the investigation into the above-mentioned matter. More specifically, I was provided with a list of question to be addressed for the benefit of the Professional Standards Branch (PSB) Investigators.

Question #1: What is your current deployment in the Service?

I am currently assigned as the Detective/Sergeant for the Division 20 Criminal Investigation Division (CID). Part of my duties includes the management and supervision of all criminal investigations generated within the division. Gage Park located at 1000 Main Street East, Hamilton can be found within the boundaries of Division 20.

Question #2: Were you occupying this position on June 15th 2019?

I was assigned to that position on January 1st 2019 and was still occupying that position on June 15th 2019. That being said, between June 10th and June 21st 2019, I was assigned as the Acting/Inspector for Division 20. Ultimately, I was involved as the case manager and oversaw the entirety of the Gage Park – Pride event investigation.

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Question #3: Was your office involved in investigating a disturbance, and / or assaults that took place during the protest at the Hamilton Pride Festival?

My office, the Division 20 CID, was responsible for the entirety of the investigation with regards to the events that transpired in conjunction with the Pride Celebration. In order to clarify the approach that was adopted, as the case manager, my instructions were to investigate and collect evidence in support to any and all criminal offences committed during the event. The approach was non-discriminatory insofar as the Investigators did not lead the investigation in accordance with the respective core beliefs of the individuals involved. The CID office became involved after the incident took place and did not attend as first responders.

Question #4: Some of these assaults were captured on news outlets and on social media. What if any action was taken to identify victims or suspects?

In my view, the investigation in relation to the violent events at the Pride celebration was exhaustive and complete. Specifically with regards to "identification", the officers underwent several steps to generate evidence and lay the appropriate charges.

1. First and foremost, I believe that it is both, appropriate and important to point out that the responding officers were unable to identify individuals suspected to have committed an offence nor were they able to identify victims (due both to crowd dispersion and lack of cooperation). No one came forward with assault-related injuries. In addition to this, the officers remained at the scene for an extended period of time (post dispersion of the crowd) and they were not approached by any complainant.
2. In the days following the protest, a number of videos surfaced on the various social media sites. Some denounced the acts of violence and others glorified the assaults presented. The videos were broadcasted through mainstream media outlets for the public to see (action initiated by the newscasts). From the investigative standpoint, the videos were preserved by the technical crime unit (TCU) and they were catalogued and analyzed by the crime analyst for division 20. As a result, a number of "incidents" were isolated. In each case the incident involved a separate cast of characters involved.
3. Two challenges arose from the standpoint of identifications:
 - a. Many individuals in attendance were wearing clothing to cover their faces in an effort to hide their true identity;
 - b. Several of the individuals involved have had limited to no interactions with the police in the past. As a result, they are not known to the police community and limited data exist within law enforcement databases to identify the individuals and further the investigation.
4. In the days following June 15th 2019, several appeals to the public were made through the media relations office. The purpose was to identify the individuals involved. Beyond that, an in-person interview to the media also generated negative results in the overall attempt to advance the investigation.

Question #5: Did any victim come forward to file a report?

To this date, one victim of assault came forward on his own volition and filed a report.

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- a. On June 20th 2019, Involved Person 7, the self-identified leader of an evangelical group attended with a group of followers. Involved Person 7 was interviewed on video by Det/Cst Paul Cottrill and filed a complaint indicating that he was in attendance at the Pride event and engaged in verbal protest. Involved Person 7 indicated that he was assaulted by an individual and that he would participate as a witness should the investigation lead to a prosecution. Ultimately, Involved Person 8 was identified as the suspect in the matter and was charged accordingly (refer to summary of charges, question #8 below).
- b. One other individual, Involved Person 9, was identified as a victim in the case of an assault with a weapon. Involved Person 9 also committed a criminal offence at the event and was evasive with the police. Following his arrest, he was provided with an opportunity to assist as a victim, but refrained to make any comment in that regard.

Question #7: Were any suspects identified?

At the onset, in this memorandum, it was explained that the investigative philosophy was to prosecute all individuals for whom evidence of a criminal offence existed, notwithstanding their beliefs. As such, a number of suspects were identified, for offences ranging from breach of court orders to assault with a weapon. The suspects' identifications were made through the assistance from the public, assistance from members of the Hamilton Police Service, and through conventional investigative means.

Question #8: Were any charges laid?

Yes, as a result of the investigation in this matter there were a number of individuals arrested and charged with various criminal offences. Below is a summary of the incidents that led to criminal charges:

- Involved Person 10:
 - **Charge: No criminal charge laid, a provincial parole warrant was issued and executed. Involved Person 10 was arrested and returned to the Hamilton Wentworth Detention Center (HWDC) where they continued to serve a prison term in relation to the Locke Street disturbance.**
 - Based on the investigation, the officers suspected that Involved Person 10 was in attendance at the Pride event protest. In the week following the protest, Involved Person 10 was actively involved with the protest groups. Ultimately, a summary of his involvement was provided to the Provincial Parole Board and they elected to issue a warrant for the arrest of Involved Person 10 (Parole suspension). Involved Person 10 was arrested and returned to HWDC. **No additional charge laid.**
- Involved Person 11:
 - **Charges:**
 - **Assault with a weapon (victim unknown);**
 - **Assault with a weapon (victim: Involved Person 9)**
 - Involved Person 11 attended the event wearing military equipment including a ballistic helmet. Involved Person 11 was actively involved in violent acts and

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successively assaulted an unknown party and Involved Person 9 using the helmet as a weapon. He struck each of them in the face

- Note: Although Involved Person 11 was quickly identified from the video footage obtained on social media, his arrest was delayed significantly. The challenge arose with regards to identifying and securing participation of the witnesses. Ultimately, Involved Person 9 was identified, but chose to remain silent and did not assist the police. To this date, the second victim has not been identified, and despite the repeated appeals to the public, no one has come forward to the police to assist. After consultation with a Crown Attorney, I made the decision to arrest and charge Involved Person 11 for assault with a weapon on both, an unknown victim and a hostile victim. Further to this, a search warrant was executed at his residence.
- Involved Person 9:
 - **Charges: Fail to comply with probation X 2**
 - Although Involved Person 9 was the victim of an assault with a weapon, the investigation revealed that his participation in the events amounted to two (2) breaches of his probation order. The Investigators recognized the challenge engendered by the fact that Involved Person 9 is both, a victim and an accused in this matter. In an effort to alleviate the hindrance generated by this situation the officers induced the accused to obtain a statement with regards to the victimization. In fact, the officers recognized, on record, that the interview could not be used to prosecute him. This was explained to his counsel, but despite the officer's best effort, Involved Person 9 did not assist the police.
- Involved Person 12:
 - **Charges: Fail to comply with probation X 2**
 - Involved Person 12 attended the protest portion of the Pride event. In doing so, Involved Person 12 was found to be in contravention of the conditions of his probation order. Involved Person 12 turned himself in and was arrested and charged.
- Involved Person 8:
 - **Charge: Assault level 1**
 - Involved Person 8 attended Gage Park on June 15th 2019 and participated in the protest and the disturbance. He was not wearing anything over his face and his actions were captured on video. Ultimately, he assaulted Involved Person 7 whom was not participating in a consensual fight. Involved Person 8 was arrested and charged with the offence.
- Involved Person 13:
 - **Offence: Assault level 1 ***NO CHARGE LAID*****
 - Involved Person 13 attended the Pride celebration event and participated as an active protester. He had a large sign indicating his belief to other participants. Some of Involved Person 13's actions were captured on video and posted on social media. During the disturbance, Involved Person 13 was observed assaulting another participant. The level of assault was such that assault level one would be the appropriate charge, based on the seriousness of the act. To this date, the Investigators have not been able to identify the victim of the

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assault. Overall, I formed the opinion that the facts in issue to prosecute the criminal offence have not been met. The absence of a victim presents an insurmountable obstacle to a successful prosecution; therefore, Involved Person 13 has not been arrested and charged with the offence.

Investigation

Investigative steps taken by the investigating officer

- Reviewed applicable Niche reports
- HPS policies
- 911 calls
- Dispatch Communication
- Officer notes
- Hamilton Police Service I/Net Viewer Event Information Report, CAD Chronology
- Media releases appealing for victims / witnesses
- Photographed event location
- Reviewed SEAT application
- Obtained statements from 15 witness officers
- Identified 13 involved person
- Obtained statements from 3 civilian witnesses
- Reviewed social and news outlet media
- Reviewed follow up criminal investigation
- Reviewed Division 20 Crime Managers Computer Audit

Computer Audit:

The Division 20 Crime Managers office contains three computers. The Investigator reviewed the web browsing activity of the three computers for June 13, 2019 between the hours of 11:30am and 12:45pm. Involved Person 1 provided evidence that on June 13, 2019 he had called 905-540-5179 [Division 20 Crime Managers Office] and spoke with Sergeant Granatier. According to Involved Person 1's cellphone call history the call began at 12:02pm and lasted 12 minutes and 23 seconds. The computer audit indicated the following:

Computer 1 was logged into at 7:15am by Sergeant Granatier. There was no recorded web browsing activity between 11:30am and 12:45pm.

Computer 2 was logged into at 8:02am by Constable Michael Dipietro. There was no recorded web browsing activity between 11:30am and 12:45pm

Computer 3 was logged into at 8:02am on June 10 by Sergeant Wilson and remained logged on through June 13. The recorded web browsing activity between 11:30am and 12:45pm was as follows:

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11:51am www.facebook.com

11:59am ipmcdn.avast.com (free antivirus program for Windows)

12:55pm www.facebook.com

There was no evidence that 'www.hamilton.ca' or 'Gage Park – Spaces Available to Book/Rent Map' was accessed on any of the three Division 20 Crime Manager computers.

Video:

The Investigator reviewed the following videos relating to the June 15, 2019 Pride Festival protest and disturbance:

*Twitter - stuart@scottsmanstuart (dated June 15, 2019) [39 seconds]
Protesters leaving Gage Park !! #HamOnt#Pride(flag)!!@TheSpec @CHCHNews
@dweeks_CHCHNews @CBCHamilton*

Acting Sergeant Loppie and several other HPS officers escorting a dozen or so people along a park pathway. Some of the persons are wearing yellow safety vests and are holding signs, others wearing religious print. Heavy drumming can be heard in the background.

*Twitter - Laura Clemenston @LauraClemenston (dated June 17, 2018) [35 seconds]
#HamOnt #Pride(flag) Organizers say, "love is loud" as drum band greets anti-pride protesters.*

2018 Pride Festival. Approximately 8 protesters holding religious banners. Approximately 6 drummers facing the protesters in opposition. Several uniform officers are present.

www.youtube.com/watch?v=2hayquoyS40&has_verified=1 Rise Canada published on June 16, 2019 (90 seconds) "Massive Fight: Hamilton Antifa vs Christian Preachers Protesting Gay Pride"

A large black fabric screen and persons wearing black with pink scarfs covering their faces can be seen. A number of the pink scarfed persons are holding and moving an approximately 10' X 40' screen. There are also persons present holding religious signs. A male with a religious sign [btb Involved Person 13 – as described by Complainant 3 and Staff Sergeant Thibodeau] gets close to a person wearing a pink scarf and holding the screen. The person with the pink scarf appears to hit Involved Person 13 in the face with his elbow. Involved Person 13 responds by punching the screen holder. A number of persons begin shoving and shuffling.

A male holding a loudspeaker is seen on the ground being assaulted by a group people, including several wearing pink scarfs. A male wearing a protective vest and a helmet [btb Involved Person 11] is involved and pulls one of the pink scarf persons off of the male with the loudspeaker. Involved person 11 is pushed out of sight of the camera then returns a second later and is seen punching people. Involved person 11 is thrown to the ground and kicked. Involved Person 11 appears again, now holding his helmet. Involved Person 11 hits a person wearing a pink scarf in the face with his helmet. Several other persons wearing pink scarfs push Involved Person 11 away.

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There are approximately 75 to 100 persons in the area. The majority are watching what's taking place. There is yelling, drumming and whistles blowing. A person can be heard on a loudspeaker saying "look at the violence". The disturbance appears to involve the religious group and those wearing pink scarfs, and others who appear to be supporting those wearing pink scarfs. There are no police officers visible in the video, nor is there anyone seen wearing a yellow vest.

<https://www.youtube.com/watch?v=zJf77Czx-pl> *Protest at Hamilton Pride 2019 (5 mins, 48 seconds)*

The violence has stopped. People are yelling and chanting. There is a uniform police presence, approximately 6 officers. The same person, seen earlier with the loudspeaker, who was seen being assaulted in a previous video, can be heard on a loudspeaker saying, "police, non-existent until now, unbelievable". The same person continues on the loudspeaker discussing religion. People are now present wearing yellow vests. Involved Person 11 is present. The black screen can be seen to the left of the camera. There are approximately 20 participants per side plus onlookers. The uniform police officers, including Acting Sergeant Sorbara and Constable Zafirides, are keeping the two groups separated. A person wearing a pink scarf can be heard yelling. "go home Nazi's." At 5 minutes and 15 seconds POU members can be seen arriving on scene.

Two videos and eight photos taken by Involved Person 17

Six of the photos show persons in the park. Some holding religious signs and others holding Pride signs. There appears to be no violence taking place, nor does there appear to be anyone wearing a yellow vest. Two of the pictures show Acting Sergeant Sorbara and Constables Zafirides, Kreamer and Fiuza approximately 100 meters from the protest, walking toward the protest. There appears to be no violence taking place as the Officers approach. Video 1 is 9 seconds in length. It shows the four above Officers approaching the protest on foot from approximately 100 meters away. There also appears to be no violence being captured on the camera. Video 2 is 8 seconds in length. It appears to be shot much closer to the protest. Person are holding signs as described above. There is lots of noise, drumming and people chanting. One person can be seen spraying aerosol spray string. There is no violence taking place in the frame.

Four videos provided by Involved Person 19

Video 1 (3 minutes and 35 seconds) - persons in the park holding religious and Pride signs. The black screen curtain is visible. Involved Person 1 is present. Violence erupts behind the screen. Involved Person 11 is seen behind the screen without a helmet. No Police are visible.

Video 2 (2 minutes and 42 sections) - Acting Sergeant Sorbara is speaking to a female who is yelling and causing a disturbance. Constables Fiuza and Kreamer can also be seen.

Video 3 (33 seconds) – the same female is now yelling at Officers calling them racist and bigots. The Officers are walking away from the female.

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Video 4 (43 seconds) – the same female is engaged in a verbal confrontation with Pride attendees. No Police are visible.

The following website links and photos provided by Complainant 3

<https://www.youtube.com/watch?v=MtZ6UHYZ1QI> 'Christian Preachers attacked by ANTIFA Terrorists in Hamilton' (43 minutes, 45 seconds) Published June 16, 2019.

At 5:18 video depicts the same assault involving Involved Person 13 as captured in video www.youtube.com/watch?v=2hayquoyS40&has_verified=1 above. At 17:15 Constables Fiuza and Kreamer are present. There are no visible assaults captured in the camera frame at that time. At 20:00 an assault and scuffle breaks out on one side of the large black curtain. At 20:22 Constable Fiuza is seen making his way to the curtain from the opposite side. The scuffle quickly ends and the camera pans away. There is no indication in the video that Constable Fiuza could see the assault. Later Officers are seen keeping opposing groups apart.

<https://twitter.com/VestsCanada/status/1140270438897082368?s=20> 'Yellow Vests Canada Exposed' @VestsCanada June 16, 2019 posting. Contains six short 2 to 15 second videos of same assault as seen in www.youtube.com/watch?v=2hayquoyS40&has_verified=1. Taking place by the curtain. No police seen in the frame.

<https://loveisgreatercollective.wordpress.com/ylli-radovicka/> 'Love is Greater – Stop the hate at Pride events' Web page containing a profile of Involved Person 13. The site mentions that Involved Person 13 assaulted two people at Pride. Last updated June 18, 2019.

<https://twitter.com/qillettemachno/status/1140083997822861312?s=21> June 15, 2019 video post. Three persons are seen running on a residential street. The three turn left onto another street and out of sight. Someone off camera can be heard saying, "there they are, there's the sodomites – come here you little fuck heads, come here". As the camera stops a person can be heard saying, "this is where the car is." There are no known calls for service or information contained in the follow up investigation provided by Division 20 CID, other than repeated media appeals for witnesses and victims.

Five photos of a parked vehicle, registered to Involved Person 7. Data contained with the photos indicate one of the photos was taken at 1pm on June 15, 2019, near Kensington Avenue South and Montclair Avenue. The vehicle's windows and body panels contain religious slogans.

<https://www.facebook.com/determinationMA/posts/2292371017647401> Dated June 17. The written post denounces the disruption at Pride and the chasing of youth outside the park by a number of adults from the 'hate group.'

Cellphone video provided by Involved Person 22 (6 secs)

The video depicted a large group of people debating and arguing. Several Officers can be seen lined up between the group and a large black curtain. There are no physical confrontations captured within the frame of the camera.

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Analysis

On June 15, 2019, Pride Hamilton hosted the annual Hamilton Pride Festival at Gage Park, 1000 Main St E, Hamilton. This was the second year that the event has been held at this location. The event, which was projected to draw 2000 plus visitors, included approximately 90 vendors, entertainment and performers from noon until 6pm, a beer garden and a family area.

The previous year a group of 6 to 8 Evangelist Protesters who opposed the event, attended the park holding banners and were shouting near Area 3. The exchange between the Protesters and Pride attendees became heated; however, the exchange was non-violent. Police intervened and the Protesters eventually left.

During this year's event a group of Evangelist Protesters again attended at the park. On this occasion the Evangelist group was met by an opposing group dressed in black, and wearing pink scarfs covering their faces. The opposing group had erected a large 10' x approximately 30' curtain shielding the protesters from the event. A disturbance erupted resulting in a number of assaults.

At the same time a group of protesters known as 'Yellow Vests' and others, had been in attendance at a rally at Hamilton City Hall. A number of persons from this protest group also attended Gage Park soon after the disturbance. Police attended and separated the two groups.

Following the disturbance at Gage Park the OIPRD received three service complaints relating to the Hamilton Police Service's involvement with the event, the response to the protest and subsequent violence that occurred. The intention of the Investigator is to review the actions of the Hamilton Police Service prior, during and after the event and subsequent disturbance. The Investigator will examine Hamilton Police Service's **Planning, Response and Investigative Follow-up**.

Pre Event Planning:

On April 25, 2019 Constable Dave Hamilton and HPS Dispatcher Jeff Potticary met with Pride Festival Committee members. There were two previous attempts to meet. One in February which was cancelled due to illness; and the other in March, in which the venue location was changed last minute causing Hamilton and Potticary to miss the meeting. During the April meeting it was discussed what it may look like for members of the HPS to attend and be involved in the Pride Festival. The possibility of a recruitment booth was also discussed at that time. It was later learned from the Committee that it was too late for Pride to arrive at a decision regarding police involvement. The application for a recruitment booth was also denied.

On June 13, 2019 Sergeant Jennifer Granatier was tasked with creating an Operational Plan for the June 15, 2019 Pride Festival. In preparation, Sergeant Granatier obtained information

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from the Detective Paul Corrigan of the HPS Intelligence Branch along with gathering open source information. Sergeant Granatier's partner, Sergeant Mark Wilson, reached out to event organizers. Involved Person 1, who is a member of the Pride Festival Board of Directors, and event organizer, responded back the same day and had a 12 minute phone conversation with Sergeant Granatier.

Sergeant Granatier indicated that during the conversation she garnered the basic information required for her to complete the Plan. Sergeant Granatier advised that Involved Person 1 expressed that he had absolutely no concerns regarding the festival, or the potential for religious protesters to attend. Further, that Involved Person 1 advised her that the permitted areas would keep protesters away from the main festivities.

Sergeant Granatier indicates that she asked Involved Person 1 if any Special Duty Officers had been hired. She advised that the response was that the Officers were too expensive and that the police were not welcomed. Sergeant Granatier learned that Security Officers had been hired. Sergeant Granatier provided her office contact number to Involved Person 1.

Sergeant Granatier completed the Operational Plan which includes, but not limited to, the following information:

- June 2018 was the first year Hamilton Pride was celebrated at Gage Park
- The 2019 event was expected to draw upwards of 2000 people
- The event consists of live performers, vendors, local artists, a beer tent and family area
- Issues of concern for organizers, police and the public is the anticipated return of a small group of religious protesters. Six to eight protesters had attended the previous year
- The Hamilton Yellow Vest group will also be in Hamilton on the same date attending a rally at Hamilton City Hall.
- Pride Hamilton advised that a Uniform Police presence was not welcomed at the Festival.
- Two Plain Clothes Officers [*Constables Pacheco and Smith*] will be deployed at the festival from 11am to 7pm to monitor and report back to the supervisor [Acting Sergeant Sorbara]
- Uniform Officers [*Acting Sergeant Sorbara, Constables Fiuza, Kremer and Zafirides*] will also be deployed to monitor and assess the Festival, while providing support for the Plain Clothes Officers.
- The HPS POU has been called in to attend the 'Hamilton Yellow Vest' protest at City Hall. The POU may be required to attend the Pride event should the Yellow Vest protesters attend Pride

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- Division 2 Uniform Patrol Officers will be made aware and will attend if required
- There is no intelligence currently to suggest that a protest is planned to occur at this event. In 2018 a protest did occur. This group has already attended the 2019 event in Dunnville so the likelihood of them being present at this event is high.

Upon reviewing the statements of Sergeant Granatier and Involved Person 1, the Investigator discovered a number of discrepancies surrounding their phone conversation on June 13, 2019.

Sergeant Granatier denies being directed to an electronic map of the park by Involved Person 1. Sergeant Wilson, who was present during the phone conversation, corroborates Sergeant Granatier. Sergeant Wilson goes on to say that Sergeant Granatier was using his office phone at the time and would have needed to use his computer to access a map. Sergeant Wilson does not recall this happening. An audit conducted on the three computers within the Crime Managers Office contained no evidence that the website www.hamilton.ca was accessed or that a map was viewed.

Sergeant Granatier denies telling Involved Person 1, *'on that day [Festival Day] if you need to call someone you can call me.* Both Sergeants Granatier and Wilson gave evidence that Sergeant Granatier was scheduled to work Monday to Thursday on the week of the Pride Festival. This would have put Sergeant Granatier on a day off on June 15. The HPS employee Time Management System [TMS] corroborates that both Sergeant Granatier and Sergeant Wilson were both off on June 15.

Sergeant Granatier advised that she did not discuss with Involved Person 1 that the police would be expected to be north of the orange area [as indicated on the map], making sure protesters don't come in. Nor did Involved Person 1 say, *'so this is our event space [indicating the green area], this is the permit space [indicating the orange area], if you want to come and hang out here and wait for them, by all means go ahead.'* Nor was a map referred to.

Involved Person 2, who is also a member of the Pride Festival Board of Directors and an event organizer, provided evidence that there was no talk of getting a space to keep protesters away, *'that conversation was never had.'* Involved Person 2 went on to say that the orange space was obtained because the Festival wanted the full roaming space. There may have been entertainment in that space. Last year the Festival had fire breathers, magic shows and a DJ in the orange area. The orange area is useable space for the event itself.

The Investigator attempted to clarify with Involved Person 1 what exactly was the articulated plan between himself and Sergeant Granatier as it seemed unclear. Involved Person 1 admitted to not being a hundred percent clear in the phone conversation about everything. Involved Person 1 further stated that it was not his job to tell the police what they can and can't do. Involved Person 1 went on to say that he told Sergeant Granatier that a recruitment booth was not welcomed, and that we don't want armed and Uniformed Officers walking around the park. Furthermore, Involved Person stated, *so it was clear from the conversation, without me explicitly saying so, that we didn't want folks in the event space, the green area, but we didn't also say this is where you're permitted.* The Investigator found the Involved Person 1's responses to the question equally unclear.

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Involved Person 2 had no information in advance of the event regarding the call that Involved Person 1 had received from the Police relating what role the Police would play. Involved Person 2 advised that Pride was putting Police on hold until a later time and that they were hiring private security. There was a debrief the day after Pride and that is when Involved Person 2 learned that there had been a call between Involved Person 1 and the Police leading up to Pride.

Involved Person 1 indicated that he was painful in his description to Sergeant Granatier where police needed to be to prevent the violence, where they need to be north of the event space and when they needed to be there. Involved Person 1 advised that this was clear in the SEAT application. The Investigator reviewed the SEAT application submitted by Involved Person 1. The application speaks to Private Security and Medics, however, makes no mention of Police or where they needed to be.

Detective Corrigan, of the HPS Intelligence Section Hate Crime and Extremism Unit, had been monitoring intelligence sources during the lead up to the Festival. Detective Corrigan was aware that a group of Fundamental Christians attended the Festival in 2018 and stood around the perimeter of the Festival holding up opposing signs. The group was non-violent. Information indicated that that group would not be making an appearance this year. However, it was believed that a smaller group of local Religious Fundamentalists would turn up to protest the 2019 Festival; the potential for conflict with this group would be less. Detective Corrigan provided Sergeant Granatier with this intelligence information to assist with her Operational Plan.

The Public Order Unit [POU] was deployed on June 15, 2019 in relation to a Protest / Rally taking place at Hamilton City. Though there was a separate Operational Plan in relation to City Hall, the POU Command Staff, were also aware of the Pride Festival Operational Plan. Staff Sergeant Miscione of the POU Unit advised that the unit would deploy to Gage Park if needed. This was included in the POU briefings. Each of the six POU teams had a vehicle that could be utilized for redeployment to Gage Park if required. There was no expected violence at the Pride Festival.

Inspector Stiller has been a member of the POU Unit for 17 years as a team member and supervisor. He is currently a trained POU Commander. Inspector Stiller was not involved in the preparation or deployment of resources for the 2019 Pride Festival or the June 15, 2019 City Hall protest rally. Inspector Stiller had an opportunity to review the Operational Plans for the Pride Festival and City Hall with the Investigator and provide insight.

Inspector Stiller advised that given the information related to the City Hall Protest, the expected 80 to 120 protesters, the intelligence information and the propensity for violence, a POU call out would be prudent. In relation to the Pride Festival Inspector Stiller further advised that given the information relating to that event, such as the history of 6 to 8 protesters attending the previous year, the lack of violence and no further intelligence to indicate that large numbers of protesters would be attending, and given that 2000 attendees were expected through the day, a compliment of 6 Officers attending the event would not be out of the ordinary. Also, knowing that POU were at City Hall where Yellow Vests were present, and if the Yellow Vests were to move to Pride then POU would move with them.

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Response:

The 2019 Pride Festival programme indicated that the Festival was scheduled to get underway at 11:45am.

1115am Acting Sergeant Sorbara and Constables Kreamer and Zafirides arrived and took up a perimeter position outside of Gage Park.

1200pm Plain Clothes Officers Pacheco and Smith arrived at Gage Park. At that time there were approximately 200 attendees at the Festival.

1250pm the first 911 call is received regarding a religious group that has just shown up at the Festival with signs.

1251pm HPS dispatch advises Acting Sergeant Sorbara that a religious group has shown up at the Festival. Acting Sergeant Sorbara updated Staff Sergeant Groombridge. Acting Sergeant Sorbara also contacted Constable Pacheco to update him regarding the 911 call and to ascertain if they had any information. Constable Pacheco did not see any issues or protesters at that time. Constables Pacheco and Smith began heading north in the park to investigate. Constable Zafirides indicated that she and the other three uniform officers began getting ready to go into the park; putting on their vests and hats.

1254pm a second call is received from a nearby resident reporting that she can hear a person on a megaphone in the park screaming hateful things about homosexuals and immigrants. The caller can also hear drumming.

1255pm HPS dispatch advises Acting Sergeant Sorbara that there is information from the City Hall POU Unit that a large group are going to be heading to Gage Park. Acting Sergeant Sorbara asks if POU is going to be sending resources.

1257pm HPS dispatch updates that apparently the group that is going to be going Gage Park are part of the Yellow Jackets.

1258pm a third call is received from a caller indicating that no one is in trouble; however, it is beginning to get quite verbally combative. The dispatcher advised that she has updated the officers who are monitoring

At approximately 1:00pm Constable Pacheco and Smith were in the center of the Festival when their attention was drawn to the sound of drumming coming from the north, near the Fountain. From a distance Constables Pacheco and Smith could see a black curtain being erected by Pride attendees. They could hear yelling and what sounded like a megaphone. Once on the other side of the curtain they observed people arguing and a crowd starting to gather. Constables Pacheco and Smith were unaware of what may have transpired prior to them reaching the location.

Constable Pacheco indicated that he contacted Acting Sergeant Sorbara and advised him that there was an opposing group present and things were getting heated, and that there may have been a scuffle. A few minutes later Acting Sergeant Sorbara arrived with the other

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Uniform Officers and began to separate the parties. A few minutes later additional Uniform Officers began to arrive; approximately 8 to 10 Officers.

Constable Pacheco indicated that officers created a wall to prevent protesters from entering the Festival area. The situation began to deescalate. Constable Pacheco recalled viewing media releases following the Festival regarding assaults taking place, however, Constable Pacheco did not observe any assaults taking place after he arrived. Constable Smith estimated the protesters numbered 10 to 15.

1:02pm the Computer Aided Dispatch [CAD] chronology shows Acting Sergeant Sorbara and Constables Zafirides, Fiuza and Kreamer entering the Park. Constable Zafirides indicates that information regarding the location of the disturbance was not specific. Patrons in the park began providing direction to the officers. It took several minutes for the Officers to make their way through the Festival to the north end of the park where the disturbance was located. The Officers also recalled a large black curtain which appeared to block protesters and their signs. The curtain also blocked the view of the approaching Officers.

1:05pm a fourth call is received from a person screaming get over to Gage Park regarding a violent riot with 20 people fighting – before hanging up.

1:06pm a fifth call is received. The caller advises that there is a fight going on near the Rose Garden – 10 or 20 people. The caller goes on to say he thinks people have settled the fight. No weapons seen – No injuries – the fight has stopped but there is a lot of tension.

1:07pm the CAD chronology indicates that there were now eight units on the call.

1:09pm a sixth call is received indicating that the protest is getting violent now – people getting punched. The dispatcher asks if this is the same fight going on at the Rose Garden, and advises the caller that officers have been dispatched. Caller advises that she can see four police Officers coming – they're here.

1:11pm Staff Sergeant Groombridge advises that two POU teams are on route.

1:20pm the CAD chronology indicates that there were now 20 units on the call.

1:31pm the CAD chronology indicates that there were now 48 units on the call.

Constable Zafirides advised that she approached two persons with bloody noses who were hunkered down by a tree. She asked the two individuals if they were okay but they refused to speak with her. They were being attended to medically by on-site EMS. Constable Zafirides observed two distinct groups on the other side of the curtain. One was a religious group holding up signs. The other group was dressed in black with pink facial coverings. Constable Zafirides did not see any assaults take place. She estimated that there were 50 to 75 people in the area. Constable Zafirides and the other three Officers were surrounded in the middle of the crowd.

Involved Person 1 recalled being alerted via his walkie-talkie that protesters had arrived. Involved Person 1 made his way over to the protest area arriving approximately five minutes after receiving the call. He found it a little confusing. There was a black fabric wall and

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Involved Person 1 did not understand what was going on at first. He soon realized that the people in pink masks were holding the banner in opposition of the protesters. Involved Person 1 believes it was approximately 12:30pm or 1:00pm at the time.

Involved Person 1 observed shouting on the other side of the curtain. The people holding the curtain were trying to keep the protesters away from the event. Involved Person 1 observed a protester known as Involved Person 13 shouting and throwing punches at people. He also observed Involved Person 11 swinging his helmet. Involved Person 1 stayed back and observed people coming out of the area injured with bloodied faces. Involved Person 1 advised that medics were hired by Pride and were on scene assisting people. Involved Person 1 had to leave the area at that time to assist with providing vendors with change.

Involved Person 1 advised that he approached Acting Sergeant Sorbara and Constable Zafirides who were standing in the orange area 30 to 50 feet away from the protest and they were observational. Involved Person 1 went on to say that he could see people being shoved and beat up and there was no police anywhere. Involved Person 1 then indicates that he sees Officers Sorbara and Zafirides. Officer Sorbara was on the phone. Involved Person 1 advised that Officer Sorbara told him that he was not equipped to deal with this and that he was calling in back up. Involved Person 1 indicated that he told Officer Sorbara that he found that shocking and surprising as he had told the police what to expect and he did not know why police were not there. Involved Person 1 went on to say that he told the two officers that he did not know why the two officers were standing back from what's happening here. Involved Person 1 further stated to Sorbara and Zafirides, 'if I can walk over there why can't you? You have a gun and a uniform. If I can walk closer to the event to witness what is happening why can't you?'

Involved Person 17 provided the Investigator with photos that Involved Person 17 had captured. Two of the photos capture Acting Sergeant Sorbara, Constable Kremer, Constable Fiuza and Constable Zafirides from behind walking northeast in the Park toward the protest. The officers are wearing yellow safety vests and are approximately 100 meters south of the protest. There is a large crowd gathered with signs. There appears to be no active assaults or violence captured within the two photos.

Involved Person 19 advised that at no time did he observe someone being physically injured and the Police not reacting. To Involved Person 21's knowledge all of the assaults stopped the minute the Police arrived.

Acting Sergeant Sorbara advised that he was approached by Festival Organizer [Involved Person 1] when he first arrived. Involved Person 1 was concerned that the protest group was within their permit area and that he wanted them removed. Acting Sergeant Sorbara advised Involved Person 1 that once additional officers arrive that he would deal with that. Sorbara also advised that he was not in a position to have a conversation at that time as he needed to deal with the situation and would speak with him after. Acting Sergeant Sorbara was on his cellphone asking for additional resources. Both Acting Sergeant Sorbara and Constable Zafirides indicated that they did not hear Involved Person 1 say that he did not know why the two officers were standing back from what's happening here; or, 'if I can walk over there why can't you? You have a gun and a uniform. If I can walk closer to the event to witness what is happening why can't you?'

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Acting Sergeant Sorbara did not observe any assaults taking place, however, he did observe evidence that assaults had transpired as there were people with bloodied faces. People had come forward alleging they had been assaulted. Acting Sergeant Sorbara advised that his priority was to keep the two opposing groups separated to prevent any further assaults from taking place. Acting Sergeant Sorbara and his Officers were able to maintain a presence between the two opposing groups until 5 to 6 other patrol officers arrived within 5 to 8 minutes. A few minutes later POU units began to arrive. Video evidence shows Acting Sergeant Sorbara, Constable Zafirides and approximately 4 other uniform officers actively keeping the two groups apart.

1:13pm a seventh call is received [believed to be the same person from call number five]. The caller reported an injured male with a bloodied nose. The call was transferred to EMS – the caller updated EMS that the injured person was okay now and had left. CAD indicates 10 units are now on the call.

Constables Fiuza and Kreamer recall approaching the protest area and having their view obstructed by a large tarp. Neither observed any violence, however, Constable Kreamer recalled people telling them of a disturbance that had happened. Constables Kreamer and Fiuza positioned themselves between the protesters and the people with the tarp in order to keep the peace. Both officers estimated approximately 100 person gathered in the area including people spectating. Constable Fiuza estimated that there were approximately 16 anti-Pride protesters and several pink masked persons holding the screen. Constable Fiuza asked over his radio for more units to attend. Constables Fiuza and Kreamer remained in the park with Acting Sergeant Loppie and Constables Zafirides. Constable Fiuza recalled attendees thanking the officers for coming and being in the park.

Staff Sergeant Miscione was part of the Command staff present at the City Hall protest when at 12:50pm he learned from his Officers that there may be a large group leaving from City Hall to possibly go to Gage Park. Staff Sergeant Miscione undertook to confirm the information. He learned that it was Yellow Vests, however, none had left at that time. At 1:02pm Staff Sergeant Miscione began pulling POU Teams from City Hall to begin getting them ready should they need to redeploy at Gage Park. It was felt at that time that the numbers of protesters at City Hall were low enough to have the HPS ACTION team manage City Hall, and that the POU team could be pulled back. At 1:06pm the remaining POU teams were pulled back. At the same time Staff Sergeant Miscione receives an update that things are heating up at Gage Park. At 1:09pm Staff Sergeant Miscione sends the first POU Team to Gage Park.

At 1:17pm Staff Sergeant Miscione instructs the ACTION Team to watch the Antifa group as there was information that they may also go to Gage Park. Most, but not all, of the Yellow Vest group had left City Hall. Staff Sergeant Miscione also learns that more units are being requested at the park. Staff Sergeant Miscione acknowledged that two POU Teams were only a few blocks from the Park. At 1:19pm Staff Sergeant Miscione sends the two remaining POU Teams to Gage Park, for a total of 28 officers. At 1:20pm Staff Sergeant Miscione learns that two POU Teams are at Gage Park.

Staff Sergeant Miscione arrived on scene at the Park at 1:30pm. He observed approximately 100 pride attendees in the area of the protest and 20 to 30 Yellow Vest and Religious group members. The Yellow Vest and Religious group was outnumbered 3 to 1 and they were beginning to get flanked. The groups were yelling at each other, however, they were separated by POU members and Uniform Patrol officers.

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At 1:45pm, at the request of the Religious Protesters, half the POU group escorted the Religious and Yellow Vest groups out of the park. The groups dispersed and the Pride attendees returned to the Festival. Staff Sergeant Miscione advised that many attendees thanked the officers and showed appreciation for them being there.

Staff Sergeant Miscione and Superintendent Schulenberg met with Involved Persons 1 and 2 who had introduced themselves as Pride Festival organizers. Staff Sergeant Miscione advised Involved Person 1 and 2 that everything was under control and that the POU would remain in the area for a while. Both Staff Sergeant Miscione and Superintendent Schulenberg appealed to Involved Person 1 and 2 for victims to come forward as the organizers had brought to their attention that assaults had taken place. No victims had come forward at that time. Involved Person 1 and 2 were asked to assist in identifying victims and assist them in coming forward. A police business card was provided. Involved Person 1 advised that he received a business card containing a police number, from Acting Sergeant Sorbara.

Involved Person 1 advised that Staff Sergeant Miscione said, 'did you consider that none of this would have happened if you had given us a recruitment booth, and if you could have been in the park and deployed differently?' Involved Person 1 advised that he explained that Officers were not welcome in the event space and that they couldn't afford to hire officers. Involved Person 2 advised that she was unable to recall which Officer mentioned recruitment booth, nor could she provide the context of the conversation. Involved Person 2 did, however, recall Involved Person 1 say that this was not the time or place.

Staff Sergeant Miscione advised that he had asked Involved Person 1 if it was true that he had said that he did not want Police in the park; and that Involved person 1 advised him that he did not say that. Staff Sergeant Miscione denied asking Involved Person 1 about a recruitment booth. Staff Sergeant Miscione advised that he was unaware of any discussions between HPS and Pride regarding a recruitment booth until after the event. Acting Sergeant Sorbara did not recall a recruitment booth being mentioned, nor was he aware of such a request until after the Festival. Staff Sergeant Groombridge did not hear such a comment. Superintendent Schulenberg advised that at no time did any officer state, 'did you consider that none of this would have happened if you had given us a recruitment booth, and if you could have been in the park and deployed differently.'

Involved Person 18 was present during the meeting with Supervisors and Involved Person 1 following the protest. Involved Person 18 recalled Involved Person 1 mentioned not wanting a Police recruitment booth being set up and that is why he did not want Police there altogether. Involved Person 1 was the one who brought up the subject of a recruitment booth.

Involved Person 18 advised that the Police response to the recruitment booth comment was that; one does not have anything to with the other. The Sergeant explained that the operational department is completely separate from the recruitment department. Further, that when Superintendent Schulenberg arrived he was very calm and explained the situation similar to how the Sergeant did. Superintendent Schulenberg advised that assets would be remaining in the area to make sure this did not continue through the day.

With the exception of Constable Roechner, none of the officers interviewed had reported witnessing any assaults. Constable Roechner had the only reported arrest at the park on that

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date after she witnessed a person hit a protester on the head with a rolled-up poster. The victim did not come forward, and after failing to locate him the suspect was released unconditionally and escorted from the park.

Staff Sergeant Groombridge advised that the plan moving forward was for POU members to remain in the area, and Uniform Officers to patrol the interior of the park. Acting Constable Loppie indicated that he was patrolling the Festival along with Constables Kreamer, Fiuza and Zafirides in case the protesters were to return.

Involved Person 1 advised that he was flagged down by a medic who advised him that people were concerned that police were all in the event space. Involved Person 1 approached Acting Sergeant Loppie and advised him that he recognized there was a concern by the Police that the Yellow Vectors may return, but he did not see any around. He further advised Acting Sergeant Loppie that considering what just happened that the police presence would just make people feel uncomfortable and asked the officers to stand outside the event space. Involved Person 1 indicated that there may have been a compromise regarding boundaries that the officers would occupy, however, he could not remember fully what was discussed; it was a friendly chat and everyone was agreeable.

Acting Sergeant Loppie indicated that the four Officers were near the food vendors when he was approached by Involved Person 1 and was advised that the police presence was stressing out the Festival attendees; and that he wanted the police to leave the park. Acting Sergeant Loppie indicated that he advised Involved Person 1 that he was not going to argue with him, that the police could not leave the Park but would move back.

Investigative Follow Up:

Following the June 15, 2019 Staff Sergeant Groombridge created a media release which was circulated the same day appealing for witnesses. *Hamilton Police are asking witnesses to come forward after an altercation at a pride event may have left multiple people injured. Police say they responded to a large disturbance at Gage Park that resulted in a physical confrontation.*

On June 22, 2019 the HPS created a media release announcing the first arrest involving the Pride Investigation. *The investigation into the incident at Gage Park continues with officers looking for more witnesses and victims to come forward.*

On June 25, 2019 Staff Sergeant Thibodeau provided an in-person interview to CHCH news appealing to the unknown victim of the assault with a helmet by Involved Person 11.

The Division 20 Criminal Investigation Division [CID], headed by Staff Sergeant Thibodeau, took carriage of the criminal investigation into the offences that took place at the Pride Festival during the protest and subsequent disturbance. Staff Sergeant Thibodeau provided the following overview of the investigation to date:

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The investigation was challenging as no one came forward with assault-related injuries. In addition to this, the officers remained at the scene for an extended period of time (post disturbance) and they were not approached by any complainants.

In the days following the protest, a number of videos surfaced on the various social media sites. The videos were broadcasted through mainstream media outlets for the public to see (action initiated by the newscasts). From the investigative standpoint, the videos were preserved by the technical crime unit (TCU) and they were catalogued and analyzed by the crime analyst for division 20. As a result, a number of "incidents" were isolated. In each case the incident included a separate number of individuals.

Two challenges arose from the standpoint of identifications. A) many individuals in attendance were wearing clothing to cover their faces. And B) several of the individuals involved have had limited to no interactions with the police in the past. As a result, they are not known to the police community and limited data exist within law enforcement databases to identify the individuals and further the investigation.

Several appeals to the public were made through the media. The purpose was to identify the individuals involved. Beyond that, an in-person interview to the media also generated negative results in the overall attempt to advance the investigation.

To date, one victim of assault came forward on his own volition and filed a report. On June 20th 2019, Involved Person 7, the self-identified leader of an evangelical group attended with a group of followers. Involved Person 7 was interviewed on video by CID and filed a complaint indicating that he was in attendance at the Pride event and engaged in verbal protest. Involved Person 7 indicated that he was assaulted by an individual and that he would participate as a witness should the investigation lead to a prosecution. Ultimately, Involved Person 8 was identified as the suspect and was charged accordingly.

One other individual, Involved Person 9, was identified as a victim in the case of an assault with a weapon. Involved Person 9 also committed a criminal offence at the event and was evasive with the police. Following his arrest, he was provided with an opportunity to assist as a victim, but refrained to make any comment in that regard.

The goal of the CID branch was to prosecute all individuals for whom evidence of a criminal offence existed, notwithstanding their beliefs. As such, a number of suspects were identified, for offences ranging from breach of court orders to assault with a weapon. The suspects' identifications were made through the assistance from the public, assistance from members of the Hamilton Police Service, and through conventional investigative means.

As a result there were a number of individuals arrested and charged with various criminal offences:

Involved Person 10 was arrested on a provincial parole revocation warrant and returned to the Hamilton Wentworth Detention Center (HWDC). Based on the investigation, the Investigators suspected that Involved Person 10 was in attendance at the Pride event protest. In the week following the protest, Involved Person 10 was actively involved with the protest groups. Ultimately, a summary of his involvement was provided to the Provincial Parole Board and

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they elected to issue a warrant for the arrest of Involved Person 10 (Parole suspension). No additional charges were laid.

Involved Person 11 was charged with assault with a weapon (victim unknown), and assault with a weapon (victim: Involved Person 9). Involved Person 11 attended the event wearing military equipment including a ballistic helmet. Involved Person 11 was actively involved in violent acts and successively assaulted an unknown party and Involved Person 9 using the helmet as a weapon. He struck each of them in the face.

It should be noted that although Involved Person 11 was quickly identified from the video footage obtained on social media, his arrest was delayed significantly. The challenge arose with regards to identifying and securing participation of the witnesses. Ultimately, Involved Person 9 was identified, but chose to remain silent and did not assist the police. To this date, the second victim has not been identified, and despite the repeated appeals to the public, no one has come forward to the police to assist. After consultation with a Crown Attorney, a decision was made to arrest and charge Involved Person 11 for assault with a weapon on both, an unknown victim and a hostile victim. Further to this, a search warrant was executed at his residence.

Involved Person 9 was charged with two counts of failing to comply with a probation order. Although Involved Person 9 was the victim of an assault with a weapon, the investigation revealed that his participation in the events amounted to two breaches of his probation order. The Investigators recognized the challenge engendered by the fact that Involved Person 9 is both, a victim and an accused in this matter. In an effort to alleviate the hindrance generated by this situation the officers induced the accused to obtain a statement with regards to the victimization. In fact, the officers recognized, on record, that the interview could not be used to prosecute him. This was explained to his counsel, but despite the officer's best effort, Involved Person 9 did not assist the police.

Involved Person 12 was also charged with two counts of failing to comply with probation a probation order. Involved Person 12 attended the protest portion of the Pride event. In doing so, Involved Person 12 was found to be in contravention of the conditions of his probation order. Involved Person 12 turned himself in and was arrested and charged.

Involved Person 8 was charged assault level 1. Involved Person 8 attended Gage Park on June 15th 2019 and participated in the protest and the disturbance. He was not wearing anything over his face and his actions were captured on video. Ultimately, he assaulted Involved Person 7 whom was not participating in a consensual fight. Involved Person 8 was arrested and charged with the offence.

Involved Person 13 committed the offence of assault level 1; however, no charge was laid. Involved Person 13 attended the Pride celebration event and participated as an active protester. He had a large sign indicating his belief to other participants. Some of Involved Person 13's actions were captured on video and posted on social media. During the disturbance, Involved Person 13 was observed assaulting another participant. The level of assault was such that assault level one would be the appropriate charge, based on the seriousness of the act. To this date, the Investigators have not been able to identify the victim of the assault. CID Investigators formed the opinion that the facts in issue to prosecute the criminal offence have not been met. The absence of a victim presents an insurmountable

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obstacle to a successful prosecution; therefore, Involved Person 13 has not been arrested and charged with the offence.

This investigation remains open.

Summary of Relevant Policies and Protocols of the Hamilton Police Service

In an effort to address some of the questions raised by the three Complainants the Investigator can provide an *overview* of the relevant sections of policy and procedures with regard to the deployment of the Public Order Unit, Policy 4.3.28, Criminal Investigations, Policy 4.1.23, and the Hamilton Police Service Priority Response (PRS) manual.

The Investigator reviewed the **Hamilton Police Service Priority Response System** and noted:

The Hamilton Police Service Priority Response System is the mechanism which ensures effective police response to the communities we serve. *There are 10 identified priority response categories, with Priority 0 being more urgent and Priority 9 less urgent.*

Priority 0 events are categorized as emergencies where injury is occurring, or is imminent and must be dispatched immediately. Units must respond without delay.

Priority 0 event classification will include injury to any person is occurring or is imminent, or a Peace Officer or EMS Personnel is calling for assistance.

Priority 1 events are categorized as people and property emergencies and must be dispatched within 3 minutes. Where multiple priority 1 calls are pending, those involving people will take precedence over those involving property.

Priority 1 event classification will include a crime in progress; property damage is occurring or about to occur and suspects are at the scene or in the immediate area. The dispatch requirement states that any available unit will be dispatched immediately.

Priority 2 events are not true emergencies, but there is a degree of urgency and units must be dispatched within 15 minutes.

Priority 2 event classification will include a need for crowd or traffic control.

The Investigator reviewed this matter and learned that an event had been created at 8:29am on June 15 with six officers being assigned proactively, prior to receiving any calls for service. At that time the event classification was a priority 5, considered a 'Community Based Policing Detail.' As officers were already on scene, any changes to the priority classification of the event would be reflected through voiced dispatch.

The Investigator reviewed the policy **Public Order Unit 4.3.38** and noted,

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A. General

1. The *Public Order Unit (POU)* (**def.**) will provide crowd control support to supplement Uniform Patrol Officers at venues where a crowd has gathered or is congregating, to provide a proactive approach to crowd management.
2. The POU is available for activation 24 hours a day, 7 days a week.
3. Except in emergent situations, requests for activation of the POU shall be made in writing to the Deputy Chief, Field Support, prior to the date required. When deployment is preplanned, a minimum of three weeks notice shall be provided.
4. In emergent situations, internal requests for activation of the POU shall be made verbally to the Deputy Chief, Field Support, or his/her designate.
5. When activated, the POU will be comprised of a minimum of 28 Officers (4 squads of 7, including the squad leader), operating under the command of the *Unit Supervisor* (**def.**).

B. Activation of Public Order Unit

2. The POU may be activated in the following circumstances:
 - a. in anticipation of a crowd of protesters gathering;
 - b. as a proactive method of order maintenance, by making informal contact with members of a crowd;
 - c. to determine the underlying temperament of a crowd;
 - d. to reduce crowd agitation;
 - e. to impart a psychological impact on a crowd;
 - f. to isolate or passively disperse a bristling or milling crowd;
 - g. to assist in the peaceful dispersion of crowds from sport or concert venues;
 - h. in preparation for the attendance of dignitaries;
 - i. other situations where the Chief or designate deem it necessary; and
 - j. upon approved request from a neighbouring Police Service which is a party to the Shared Resource Agreement

The Investigator has reviewed this matter and found that the POU team was appropriately utilized and deployed as per policy.

The Investigator noted that Sergeant Granatier utilized the appropriate and accepted operational plan template SMEAC, *Situation, Mission, Execution, Administration and Command*. The plan was detailed, inclusive and approved.

On June 15, 2019 the POU was deployed at Hamilton City Hall in response to a scheduled rally at that location. Inspector Stiller addressed the need for deployment of the POU at the

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City Hall location. Inspector Stiller advised that given the information related to the City Hall protest, the expected 80 to 120 protesters, the intelligence information and the propensity for violence, a POU call out at City Hall would be prudent.

Inspector Stiller further advised that given the information relating to the Pride event at Gage Park, such as the history of 6 to 8 protesters attending the previous year, the lack of violence and no further intelligence to indicate that large numbers of protesters would be attending, and given that 2000 attendees were expected through the day, compliment of 6 officers attending the event would not be out of the ordinary. Also knowing that POU was at City Hall where Yellow Vests were present, and if those Yellow Vests were to move to Pride then POU would move with them.

Staff Sergeant Miscione provided evidence that at approximately 12:50pm information was received that there may be a large group going to Gage Park from City Hall. Staff Sergeant Miscione undertook to confirm this information. It was learned that it was Yellow Vests, however, none had left at that time. Staff Sergeant Miscione was aware that there were Plain Clothes Officers in Gage Park, supported by Uniform Officers on the perimeter. This information was passed on to the Officers at Gage Park.

At 1:02pm Staff Sergeant Miscione began pulling teams out from City Hall in order to get them ready should they need to redeploy at Gage Park. It was felt that the numbers at City Hall were low enough to have the HPS CATION team manage City Hall and the POU team could be called back. At 1:06pm the remaining POU teams were pulled back from City Hall. At 1:09pm Staff Sergeant Miscione sent the first team to Gage Park. At 1:17pm Staff Sergeant Miscione instructs the ACTION team to watch the Antifa group as there was information that they may also go to Gage Park. Most, but not the entire Yellow Vest group had left City Hall. Two teams of POU were heading to Gage Park. At 1:19pm sent the two remaining teams to Gage Park.

Upon arrival at Gage Park the POU units began assisting on-site uniform officers in keeping the two groups separated. Staff Sergeant Miscione reported that at 1:45pm POU assisted in escorting the Religious and Yellow Vest groups out of the park. The groups dispersed and the Pride attendees returned to the Festival. The video evidence which depicted a physical altercation between a Religious group and persons dressed in black with pink scarfs did not indicate the presence of police or persons wearing yellow vests.

The Investigator reviewed the policy **Criminal Investigation Management 4.1.23** and noted,

A.4 Response to Criminal Incidents / Investigations

a. Police Officers

1. Police Officers shall respond to all criminal incidents and complaints in a manner appropriate to the seriousness and circumstances of the offence.
2. The duty to preserve life and property shall be the primary responsibility of Officers responding to criminal incidents. Thereafter, Members shall take all reasonable steps to apprehend the suspect and secure and preserve the scene to facilitate collection of evidence.

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3. All criminal incidents and complaints shall be investigated in a thorough and professional manner, and in accordance with the requirements of any specific Service P & P which deals with the type of incident in issue.

The first officers on scene had concentrated their efforts on maintaining order and keeping the peace while additional support officers arrived. The violence that occurred prior to police arrival, including the arrival of Plain Clothes Officers who were present within the Festival, had ceased as Officers arrived on scene. It is important to point out that only one Officer witnessed an act of violence. In that particular circumstance an individual was immediately arrested.

Officers engaged persons whom appeared bloodied and injured, however, at that time no victims presented to police, and those who were approached refused to cooperate with the investigation. The Officers on scene met with organizers and solicited their assistance facilitating a conduit for victims to make contact with the police.

Conclusion

The Investigator has reviewed all of the evidence, reports and policies. The three main areas identified as concerns by the complaints included:

1. That the Hamilton Police Service failed to properly plan for the June 15th, 2019 Pride Festival.

An operation plan was properly assembled which addressed all known factors. The plan was approved and subsequently formed part of a Service wide plan of events that day. While there was some conflicting information, based on the information the Officers had at that time, the plan reflected the most current information and intelligence. The plan was measured and proportional to the event in front of them.

2. That the Hamilton Police Service took too long to respond to a disturbance between Festival attendees and protesters.

The first call for service was received at 12:50pm indicating that a religious group with anti-LGBTQ views had just shown up at the park. There was no information of a crime taking place. At 12:51pm dispatch updated Acting Sergeant Sorbara. Acting Sergeant Sorbara contacted the two Plain Clothes Officers in the Festival to alert them. The Plain Clothes Officers did not see any protesters or issues at that time, however, they were to investigate and provide an update to Acting Sergeant Sorbara.

A subsequent call at 12:58pm indicated that the protesters were becoming verbally combative. Acting Sergeant Sorbara and the three assisting Constables donned their safety vests and hats and entered the Festival at 1:02pm. At approximately 1:06pm two calls were received roughly 30 seconds apart. Caller 1 screamed, 'get over to Gage Park, violent riot, 20 people fighting' and hung up. Caller 2 indicated that there was a fight between 10 or 20 people, and

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went on to report that the fighting had stopped; however, there was a lot of tension. Acting Sergeant Sorbara was updated by dispatch and he requested two additional units to be sent to the park. At 1:09pm a call was received advising that it was getting violent now – people are getting punched - caller can see the police now. By 1:13pm there were a total of eleven Officers on scene. That number grew to forty-eight by 1:31pm.

Gage Park is 28.8 hectares consisting of treed and grass areas, a fountain, bandstand, tropical greenhouse, a rose garden and a baseball diamond amongst other features. There were hundreds of Festival attendees and others in the park at the time of the disturbance. The environment was filled with noise from attendees, performers and drummers. There was also a large black screen erected in front of the protesters. All of which tended to hamper the progress of the responding officers, including the two officers in attendance inside the Festival.

Inspector Stiller noted that the POU operational plan indicated that POU members had access to vehicles if a quick deployment to other areas of the city was necessary. Also that having Superintendent Schulenberg on ground at City Hall, as the POU Commander, would allow for quick decision making should the POU team need to move to another location. Inspector Stiller indicated that these types of event are fluid. Protest groups can take to the streets and go mobile, the POU could then move with them to maintain public safety.

Upon review the Investigator has found that the HPS Priority Response System was followed as per protocol.

3. That the Hamilton Police Service failed to arrest the protesters.

The Common Law duties of a Police Officer includes Preserving Peace, Preventing Crime and Protecting Life and Property.

HPS Policy dictates that the duty to preserve life and property shall be the primary responsibility of Officers responding to criminal incidents. Thereafter, Members shall take all reasonable steps to apprehend the suspect and secure and preserve the scene to facilitate collection of evidence.

The Investigator reviewed material relating to the criminal investigation that took place during, and following the disturbance and assaults at the Gage Park Pride Festival. The Investigator is satisfied that there were no violations of policy with regard to the response and follow up investigation.

In the days that followed the HPS conducted several media releases appealing for victims and witnesses to come forward. An exhaustive criminal investigation was undertaken by the Divisional Detective Office. To date the investigation has resulted in 5 arrests and 7 criminal charges. The investigation is ongoing.

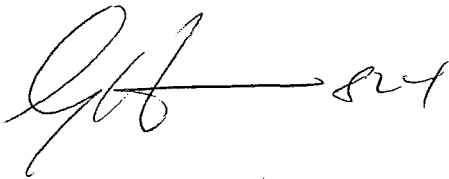
In conclusion the Hamilton Police Service has guidelines in place to ensure the effective police response to the communities we serve. This investigation has discovered that the policies and procedures were followed in this instance and that there were no identified issues.

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After review of all of the available information, the Investigator is satisfied that the Hamilton Police Service has in place appropriate guidelines for responding effectively to calls for service from the community; therefore, **the service complaint made by Complaint 1, Complainant 2 and Complainant 3 has been unsubstantiated.**

As per Hamilton Police Service Policy, a report of this investigation will be made to the Hamilton Police Services Board for consideration.

Investigator



Detective Sergeant Gary Heron #824

Date: 19 11 28

Supervisor/Manager



Superintendent Nancy Goodes-Ritchie #783

Date: Nov 29/19

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Confidential APPENDIX A

19 09 19

GAGE PARK - SPACES AVAILABLE TO BOOK/RENT

