



HAMILTON POLICE SERVICES BOARD

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February 16, 2022

SENT VIA EMAIL

**To: City of Hamilton Mayor and Council
City of Hamilton Seniors Advisory Committee**

From: The Hamilton Police Services Board

**Re: Follow-Up From City Council Meeting December 15, 2021:
Amendment to Item 9. Seniors Advisory Committee (Emergency &
Community Services Committee Report 21-013) – Citizen Committee
Report, respecting Proposed resolution regarding Hamilton Police Service
Board and Hamilton Police Services failure to provide adequate and
effective police services in long-term care homes in the City of Hamilton
(Deferred from November 18, 2021) (Item 10.4)**

Please be advised the Hamilton Police Services Board (Board) received the above-noted correspondence from the City Clerk's Division on January 21, 2022 with respect to Council approving the following amendment to the Emergency & Community Services Committee's Report 21-013:

9. Seniors Advisory Committee – Citizen Committee Report, respecting Proposed resolution regarding Hamilton Police Service Board and Hamilton Police Services failure to provide adequate and effective police services in long-term care homes in the City of Hamilton (Deferred from November 18, 2021) (Item 10.4)
 - (b) *That Seniors Advisory Committee – Citizen Committee Report, respecting Proposed resolution regarding Hamilton Police Service Board and Hamilton Police Services failure to provide adequate and effective police services in long-term care homes in the City of Hamilton, be referred to the Police Services Board.*

As noted in the attached Hamilton Police Service (Service) Report 21-100 “Long Term Care and Retirement Home Investigations”, this matter has been addressed on multiple occasions by the Board and the Service. This Report provides an account of legislation relating to deaths in long term care and retirement homes, summary of investigative updates, steps the Service is taking with regards to future investigations as well a summation of Board and Service involvement in addressing this issue dating back to March 5, 2021.

The Board has thoroughly dealt with the subject of long term care and retirement home investigations and as such, is referring this matter back to the City and Seniors Advisory Committee.

Regards,


A handwritten signature in black ink that reads "Pat Mandy". The signature is written in a cursive style with a long, sweeping underline.

Pat Mandy
Chair, Hamilton Police Services Board



HAMILTON POLICE SERVICE

INFORMATION REPORT

TO:	Chair and Members Hamilton Police Services Board
BOARD MEETING DATE:	September 16, 2021
SUBJECT:	Long Term Care and Retirement Home Investigations
REPORT NUMBER:	21-100
SUBMITTED BY:	Frank Bergen, Chief of Police
SIGNATURE:	

EXECUTIVE SUMMARY

- Under the Retirement Homes Regulatory Act (O.REG 166/11) Sec 15(3) and the Long Term Care Homes Act (O.REG 79/10 Sect 98), retirement and LTC homes are required to immediately notify their jurisdiction's police service of any alleged, suspected or witnessed incidents of abuse or neglect of a resident they suspect may constitute a criminal offence.
- From January 2020 through June 16, 2021, there were 31 deaths at LTC homes in the City of Hamilton investigated by the Coroner's Office. Of these four involved the Hamilton Police Service and none of the four were criminal in nature.
- The Crimes Against Seniors Unit and Coroner's Branch will continue to use Major Case Management and Powercase to organize the investigation and meet on a regular basis. Detectives will continue to focus on locating and interviewing potential witnesses as well as securing evidence.

INFORMATION

BACKGROUND:

COVID-19 has had a profound negative impact especially upon the aging population. This was highlighted locally by the deaths in many of Hamilton's Long Term Care and Retirement Homes.

In December of 2020 the City of Hamilton's Senior Advisory Committee expressed concerns over recent deaths in long-term care homes. A request was made to hear from a police representative to help alleviate the fears and concerns that seniors are facing. The Senior's Advisory Committee was hoping to be addressed by a Hamilton Police Representative at

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their February 5th, 2021 meeting but unfortunately the email correspondence was not received until February 24th, 2021.

On March 5th, 2021 Detective Sergeant Darren Murphy attended the Senior Advisory Committee virtually and responded to a number of questions that had been provided.

On April 23rd, 2021 Chief Bergen presented the 2020 Crimes Against Seniors Unit report to the Hamilton Police Services Board. Chief Bergen provided a summary of the Hamilton Police Services responsibility for investigating deaths and abuse at Long Term Care and Retirement Homes in Hamilton.

On May 21st, 2021 The Hamilton Police Services Board received a deputation from Hamilton Senior Advisory Committee member David Broom. The deputation expressed his concern with the Hamilton Police Services apparent lack of investigations regarding care and deaths at Long Term Care and Retirement Homes in Hamilton. A request was made that the Chief report back to the Board at a future meeting to provide a more fulsome comment on care and deaths in Long Term Care and Retirement Homes. Chief Bergen advised that he would be responding with an update to the Police Services Board at a future date.

This report provides an update of the investigative steps pertaining to long term care and retirement homes that have been taken since the May 21st, 2021.

LEGISLATION SUMMARY:

Retirement Homes are governed by the Retirement Homes Act 2010 (RHA) and overseen by the Retirement Home Regulatory Authority (RHRA). Long Term Care (LTC) Homes are regulated and overseen by the Ministry of Health and Long Term Care.

Retirement Homes and LTC Homes are required to immediately notify their jurisdiction's police service of any alleged, suspected or witnessed incidents of abuse or neglect of a resident they suspect may constitute a criminal offence. Retirement Homes Regulatory Act (O.REG 166/11) Sec 15(3). Long Term Care Homes Act (Sec 98, O.Reg.79/10).

The Coroner, under the Coroner's Act, investigates incidents of death in a Long Term Care or Retirement Home. If the Coroner believes the death to be suspicious and ought to be investigated, they may request that the local police service assist them in their investigation. Coroners Act Sec 10(2.1).

Long Term Care Homes are required to complete an Institutional Patient Death Record (IPDR) for every death. The IPDR is an eight question form, if any of the answers to the questions are yes, a review and possible investigation is triggered by the Coroner's Office. Deaths at Retirement Homes are investigated by the facilities attending physician and the Coroner's Office is notified if there are any concerns surrounding the death.

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INVESTIGATIVE UPDATE:

The Hamilton Police Service investigation into the deaths at Long Term Care Homes is ongoing. The Crimes Against Seniors Unit and the Coroner's Branch of the HPS has met with the Coroner's Office on two occasions to discuss deaths in LTC during the pandemic. The Coroner is currently in the process of collecting the death reports to provide to the Hamilton Police Service to investigate further. The Crimes Against Seniors Unit is also in the process of conducting interviews of witnesses involved in Long Term Care facilities.

- On June 15th, 2021 members from the Hamilton Police Service attended a virtual meeting with Deputy Chief Coroner Reuven Jhirad and Regional Supervising Coroner Karen Schiff. Dr. Jhirad discussed the obligations of LTC and Retirement Homes to report sudden deaths under the Coroner's Act. Dr. Schiff was tasked to provide statistics in relation to deaths at Hamilton Long Term Care Homes investigated by the Office of the Chief Coroner.
- On June 24th, 2021 Dr. Karen Schiff provided information that from Jan 2020-June 16th, 2021 there were 31 deaths at Long Term Care Homes in Hamilton investigated by the Coroners office. Of these cases, four involved the Hamilton Police Service and none of the cases were criminal in nature.
- D/Sgt. Darren Murphy conducted a review of the four cases and none were deemed to be criminal in nature.
- On July 27th, 2021 a request was sent to the Regional Supervising Coroner's Office for information pertaining to 31 deaths in long term care to be reviewed by the Hamilton Police Service.
- On August 18th, 2021 Detective Tim Bower and D/Sgt. Darren MURPHY attended a Coroner's Investigations meeting, which involved discussions about Coroner's reports and causes of death throughout the Province. In addition, Police Services discussed investigative strategies including the use of Major Case Management and Powercase for investigations.
- On August 19th, 2021 a second request was made requesting the coroner's reports for the 31 deaths in Hamilton Long Term Care Homes. The Coroner's Office has responded and is in the process of assembling the reports for dissemination to the Hamilton Police Service.

FUTURE INVESTIGATIVE STEPS:

The Crimes Against Seniors Unit and Coroner's Branch will continue to use Major Case Management and Powercase to organize the investigation and meet on a regular basis. Detectives will continue to focus on locating and interviewing potential witnesses. In addition the Ministry of Long Term Care Inspection Reports are being reviewed. Once the Coroner's

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reports are received by the Hamilton Police Service the Crimes Against Seniors Unit will review the cases accordingly.

APPENDICES AND SCHEDULES ATTACHED

Not applicable

FB/M.Stiller

cc: Ryan Diodati, Deputy Chief – Support
Paul Hamilton, Acting Deputy Chief - Operations
Mark Stiller, Acting Superintendent – Investigative Services

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