

**DEPUTATION TO HAMILTON POLICE SERVICES BOARD
THURSDAY, OCTOBER 20, 2022
LYLA MIKLOS**

Good Afternoon Members of the Hamilton Police Services Board. My name is Lyla Miklos. My pronouns are she and her. The last time I addressed this Board was in 2019. I spoke as a member of Hamilton's Two Spirit and LGBTQIA+ community about losing faith and trust in our City's Hamilton Police Services.

Sadly, once again, I come to you to address another breach of trust.

On October 2, 2022 emergency services were called to provide medical care at the Canadian Tire on Victoria Street because Marcus Charles, an employee diagnosed with epilepsy, was having a seizure.¹ The Paramedics who initially responded to the call for help then reached out to the HPS for assistance saying that the patient was violent. Video images shared by the media showed multiple officers pinning Marcus to the ground and tasing him.

After Marcus woke up at the hospital recovering from his injuries a police officer handed him a paper listing three assault charges and told him that he couldn't leave the hospital until he took the papers with the charges against him and signed them.²

HPS spokesperson Jackie Penman issued a written statement saying: "Hamilton police have obtained video that shows the entire incident and the officers' actions were appropriate to the situation they faced."³

I know that you NEVER physically hold someone with epilepsy down when they are having a seizure never mind taser them.

The Edmonton Epilepsy Association produced a First Aid Hand Book on Seizures and Epilepsy. Some of the guidance they give includes: ⁴.

- Protect from injury.
- If necessary, ease the person to the floor.
- Move hard or sharp objects out of the way.
- Place something soft under the head.
- DO NOT restrain the person.
- After the seizure, talk to the person reassuringly.
- Do NOT leave until the person is re-oriented.

Canadian Epilepsy Alliance President and Epilepsy South Central Ontario CEO Cynthia Milburn said there's a good chance the situation might have been resolved differently if both police and paramedics had stronger training around epilepsy. ⁵.

Customers of the store described Marcus as a caring employee. The owner of the store said he was well-liked, not violent, and welcome to return to work when he was well enough. ⁶.

Community member Margaret Shkimba wrote a column for The Hamilton Spectator saying: "The police defend their actions as appropriate, of course. The question before me is: have the police lost their minds? Are they so insulated against the rest of us that they can't see the insanity behind this action? There is no reason for police to attend a medical emergency. It's not a crime to suffer from a health issue. Once the police show up, they take charge. They are not trained in medical emergencies or in patient care. They are trained to take people down." ⁷.

HPS Chief Frank Bergen rebutted Margaret's column with his own Op Ed saying: "The article states there is no reason for police to attend a medical emergency as it is not a crime to suffer from a health issue. Hamilton Police members are trained to respond to medical emergencies since we are often first on scene. We administer naloxone to overdose patients, apply tourniquets to wounds, conduct CPR on individuals and perform life-saving measures on car accident victims every day." ⁸.

So if the members of the HPS are trained to handle medical emergencies why did they so epically fail Marcus Charles?

The Hamilton Anti-Racism Resource Centre, Hamilton Community Legal Clinic, Hamilton Centre for Civic Inclusion, Afro Canadian Caribbean Association of Hamilton, and Disability Justice Network of Ontario released a joint statement and have a list of questions they want answered including "Why was the victim, under medical distress, charged criminally?" ⁹.

I was here in this very space in 2017 along with hundreds of fellow Hamiltonians for Yosif Al-Hasnawi's memorial service. I felt a deep sense of shame. My community failed a young racialized man in his time of need and as a result he is no longer with us. Marcus Charles is still with us, but the PTSD that he and his coworkers will now suffer from this incident is unforgivable. Even more unforgivable, Hamiltonians who witness someone with epilepsy having a seizure will now hesitate to call 911 and ask for help.

I am asking this Board to do the right thing. The HPS must drop the charges against Marcus Charles and apologize. We entrust the members of this board to ensure that the HPS uphold their motto – "To Serve and Protect with Our Communities". What are you going

to do as Board Members to ensure Hamiltonians are not harmed by the HPS when the community calls upon them for help? What actions are you going to take? Thank you.

1. Sebastian Bron, "Hamilton man feared for his life when police tasered him after seizure", The Hamilton Spectator, 05 Oct 2022. <https://www.thespec.com/news/hamilton-region/2022/10/05/hamilton-police-taser-canadian-tire.html>
2. Hannah Alberga, "Canadian Tire employee says he was Tasered by police during epileptic seizure in Hamilton", CTV News Toronto, 04 Oct 2022. <https://toronto.ctvnews.ca/canadian-tire-employee-says-he-was-tasered-by-police-during-epileptic-seizure-in-hamilton-1.6095943>
3. Bobby Hristova, "Hamilton man Tasered after reported seizure faces charges as police say he assaulted officer", CBC Hamilton, 06 Oct 2022. <https://www.cbc.ca/news/canada/hamilton/man-taser-police-seizure-epilepsy-assault-charges-1.6607298>
4. <https://epilepsysco.org/wp-content/uploads/2020/03/seizurefirstaid.pdf>
5. Joshua Freeman, "Petition calls for mandatory epilepsy training for police after man having seizure Tasered by officers in Hamilton", CP24, 13 Oct 2022. <https://www.cp24.com/news/petition-calls-for-mandatory-epilepsy-training-for-police-after-man-having-seizure-tasered-by-officers-in-hamilton-1.6107904>
6. Sean O'Shea, "Hamilton police use taser, charge employee after seizure at Canadian Tire", Global News, 05 Oct 2022. <https://globalnews.ca/news/9177551/hamilton-police-charge-man-seizure-canadian-tire/>
7. Margaret Shkimba, "Detasking, not defunding, police", The Hamilton Spectator, 11 Oct 2022. <https://www.thespec.com/opinion/contributors/2022/10/11/detasking-not-defunding-police.html>
8. Frank Bergen, "Column unfairly portrayed Hamilton police", The Hamilton Spectator, 14 Oct 2022. <https://www.thespec.com/opinion/contributors/2022/10/14/column-unfairly-portrayed-hamilton-police.html>
9. Hamilton Anti-Racism Resource Centre, Hamilton Community Legal Clinic, Hamilton Centre for Civic Inclusion, Afro Canadian Caribbean Association of Hamilton, and Disability Justice Network of Ontario, Joint statement on the incident at Canadian Tire on Sunday, October 2nd. 05 Oct 2022. <https://www.harrc.ca/post/joint-statement-on-the-incident-at-canadian-tire-on-october-2nd>