

DISCLAIMER: In accordance with the *Community Safety and Policing Act* and the *Freedom of Information and Protection of Privacy Act*, the summary below has been de-identified to remove the personal information of individuals, including public complainants and persons who were the subject of the investigation.

DE-IDENTIFIED SUMMARY UNDER SECTION 167(2) OF THE CSPA

Original Police Service:

Date of Complaint: 07/11/2024

Type of Investigation:

Referred to Same Service:

Referred to Other Service:

Retained by LECA:

Service Investigations Referred to:

De-identified Summary of Complaint

The complainant alleges that they were unlawfully detained when the 3 respondent officers apprehended him without grounds based on a misunderstanding reported by his wife. In doing so the respondent officers used unnecessary force against the complainant in the form of excessive force. As a result of this the complainant alleges that they received injuries to their wrists and back. They further allege that the police report associated to the police occurrence is inaccurate and contains false statements.

Unsubstantiated Code of Conduct Allegations

Allegation 1 – Unlawful detention O. Reg. 407/23 S. 8

A police officer shall not authorize or make a physical or psychological detention if, at the time of the detention, the officer knows or reasonably ought to know that the detention is unlawful.

It is alleged that the three respondent officers made a physical detention of the complainant knowing the detention was unlawful and based on flawed grounds.

Allegation 2 - Unnecessary force O. Reg. 407/23 S. 11

Unlawful or Unnecessary Exercise of Authority, in that he or she, uses any unnecessary force against a prisoner or other person contacted in the execution of duty. It is alleged that the three respondent officers used excessive force while apprehending and placing handcuffs on the complainant which resulted in pain to their wrists and back.

Allegation 3 – Conduct that undermines public trust in policing O. Reg. 407/23 S. 10

A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.

It is alleged that respondent officer #2 made inaccurate statements in the associated Niche report and therefore undermined the public's trust in policing.

Decision and Reasons

Allegation #1 - It is alleged that the three respondent officers made a physical detention of the complainant knowing the detention was unlawful and based on flawed grounds. This allegation was unsubstantiated based on audio recordings, body worn camera footage, police procedure and legislative authorities. The information that police relied upon to form reasonable grounds to make a detention were corroborated by audio and digital recordings in the form of phone calls and body worn camera footage. This data was clear and consistent with the officers accounts of what transpired and was inconsistent with the allegations as described by the complainant. These grounds were also corroborated by the civilian witness. The officers actions aligned with legislative authorities under the prescribe statute and police procedure.

Allegation #2 - It is alleged that the three respondent officers used excessive force while apprehending and placing handcuffs on the complainant which resulted in pain to their wrists and back. This allegation was unsubstantiated based on body worn camera footage, police procedure, legislative authorities and statutes and the use of force continuum. The officers were lawfully positioned as determined in the above allegation and had lawful authority to use as much force as was necessary in the administration of their duties. Further their response was proportionate to the complainant's behaviour. This interaction between the police and the complainant was captured on 3 separate body worn cameras which was inconsistent with the allegation as described by the complainant and consistent with the officers accounts. The allegation of physical strikes and excessive force was not observed on the video footage.

Allegation #3 - It is alleged that respondent officer #2 made inaccurate statements in the associated Niche report and therefore undermined the public's trust in policing. This allegation was uncovered by the [REDACTED] investigator based on the content of the complainant's report and conversation with them. This allegation was added once detected and was unsubstantiated based on the audio recordings and body worn camera footage. This digital evidence corroborates the information noted in the police report and is inconsistent with the claims of the complainant.