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: 09/12/2024

Type of Investigation:

Referred to Same Service: ◉ Referred to Other Service: ○ Retained by LECA: ○

Service Investigations Referred to:

De-identified Summary of Complaint

On Saturday July 13, 2024, the complainant (CW1) outlines he was visiting friends in [redacted]. He had traveled from [redacted] and left his friend's after 11pm and went for a coffee.

After driving around, the complainant went back to the plaza for another coffee and then fell asleep in his vehicle with his dog. On July 14, 2024, while still sleeping, his dog woke him up. It was raining and the complainant became aware that someone was banging on his car window.

The complainant rolled down his window a few inches and saw the individual was screaming at him. He then realized that it was a police officer. The complainant is hearing impaired and could not understand what the officer was saying. The complainant told them he was deaf, so the police wrote notes. The officer motioned for the complainant to exit the car, but the complainant did not because it was pouring rain. The complainant was then passed a note that said he was under arrest. The complainant opened the vehicle door, and an officer immediately grabbed the door and yanked it wide open. Three officers grabbed him and pulled him out of the truck.

The complainant states that the officers assaulted him, smashed his face into the pavement, broke two teeth and banged his face and cheek and injured his left leg. The complainant states he was knocked unconscious and transported to the hospital by ambulance.

At the hospital, an officer provided the complainant with papers to sign and said that he could go. The officer also told the complainant that his truck was towed, and his dog was taken to a kennel. After leaving the hospital, the complainant went back to his friend's house, but they were not home. Shortly after, two officers arrived and told him that he could not stay there.

The complainant's friend's brother then took him to a motel. The complainant then went to the police station and was told that his license was suspended for 7 days. The complainant spoke to a supervisor at the station who was not helpful. When the complainant told the supervisor that he had vision problems, the supervisor shrugged and said to take a picture and view them on his phone.

Unsubstantiated Code of Conduct Allegations

Allegation #1
S. 7(1) YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT, AT THE TIME OF THE ARREST, YOU KNEW OR REASONABLLY OUGHT TO HAVE KNOWN THAT THE ARREST WAS UNLAWFUL, contrary to Section 7 (1) of the Schedule Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195 (a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

It is alleged that on July 14, 2024, you unlawfully arrested CW1 and used unnecessary force on him causing him to damage his teeth and lose consciousness.

Decision and Reasons

Allegation #1
S. 7(1) YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT, AT THE TIME OF THE ARREST, YOU KNEW OR REASONABLLY OUGHT TO HAVE KNOWN THAT THE ARREST WAS UNLAWFUL, contrary to Section 7 (1) of the Schedule Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195 (a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

UNSUBSTANTIATED

• [Respondent Officer] in his report and statement articulated his grounds for suspicion that CW1 was impaired.
• [Respondent Officer] provided CW1 with the demand and spent over 20 minutes attempting to communicate the process to CW1 which included measures to assist CW1 with his hearing impairment.
• Once all attempts failed, [Respondent Officer] articulated his grounds for CW1's arrest for refusal.
• [Respondent Officer] maintains that CW1 was impaired at the time of his interaction with him and that he would not allow him to operate his vehicle until he could be sure of that.
• [Respondent Officer] is a trained breath technician and articulated his grounds thoroughly in his statements.

Allegation #2
S. 11(1) YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT, YOU USED UNNECESSARY OR EXCESSIVE FORCE AGAINST ANY PERSON, contrary to Section 11 (1) of the Schedule Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195 (a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

UNSUBSTANTIATED