

**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: 11/03/2024

Type of Investigation:

Referred to Same Service: ☒

Referred to Other Service: ☐

Retained by LECA: ☐

Service Investigations Referred to:

### De-identified Summary of Complaint

Police attended the residence of the complainant to investigate a domestic assault via a 9-1-1 call, where the complainant allegedly grabbed his wife. Two (2) [REDACTED] Police uniform officers attended the residence and communicated with victim, the complainant and their son (witness).

The responding officers reviewed videos from each cell phone owned by the complainant and his son, capturing different angles of the assault. The officers then took individual verbal statements, captured on their Body Worn Camera (BWC) and concluded the complainant was arrestable for assault and subsequently transported to [REDACTED] Police.

While waiting to be processed at [REDACTED] Division (7 minutes and 59 seconds), the complainant notified the officer he was suffering from chest pains. The complainant also defecated while seated in the back seat of the police cruiser prior to being processed.

The complainant was brought inside of the [REDACTED] Division cells area to use the washroom, then transported to [REDACTED] Hospital to address his medical episode.

The complainant remained in custody and was released on an undertaking from the hospital on May 5, 2024 at 1:13pm.

## Unsubstantiated Code of Conduct Allegations

Allegation 1 – O. REG. 407/23 – 10(1) - A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.

Allegation 2 – O. REG. 407/23 – 19(1) - A police officer shall not, by act or omission, fail to perform their duties appropriately without lawful excuse if, at the time, they know or reasonably ought to know that their act or omission would amount to a failure to perform their duties appropriately.

## Decision and Reasons

### Allegations 1 and 3

Based on Body Worn Camera, at no time prior to leaving his residence, was there a request for the complainant to use the washroom before attending the division. Divisional video, showed the transporting officer checking on the well-being of the complainant, removed his handcuffs to provide a level of comfort and the officer contacting the Division to accelerate the process to access to a washroom. Once taken to the hospital, the complainant was handcuffed to the front for policy and officer safety reasons and a wheelchair was eventually located to provide an additional level of comfort to the complainant. The handcuffs were periodically removed at the request of a healthcare professional. The complainant was not video recorded on the responding officers personal devices. Hospital video surveillance was purged after three (3) months.

Conclusion: Reasonable grounds to believe no misconduct existed from the actions of the [REDACTED] Police officers.

### Allegation 2

The complainant had 13 allegations listed in his complaint, where 6 allegations were made in error due to the complainant mistakenly identifying the wrong officer. The complainant was shown video of his arrest to clarify each officer's duties. The complainant believed a video he recorded the day before his arrest was not viewed by the responding officer and this video would support his innocence. It was determined police attended his residence the day before and addressed this issue with the complainant and his family. The video was also viewed by the writer and determined the video had no impact on the investigation.

Conclusion: Reasonable grounds to believe no misconduct existed from the actions of the [REDACTED] Police officers.