

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: 04/09/2024

Type of Investigation:

Referred to Same Service:

Referred to Other Service:

Retained by LECA:

Service Investigations Referred to:

De-identified Summary of Complaint

On April 2, 2024, an owner of a business called 911 to report that three suspects, one armed with a handgun, had been outside the business trying to get in. The business had been subject to three separate recent criminal activities, an arson, a shooting and an employee had been murdered. [Redacted] responded to the 911 call with Respondent Officer 1 (RO1) arriving within minutes of the call. RO1 located three persons who matched the initial description of the suspects, across the road from where the weapons incident occurred. Back-up officers arrived shortly after and all three persons were arrested however later determined NOT to be the wanted/armed suspects. The complainant in this LECA complaint alleged he was discriminated against, arrested without cause and unnecessary force used (firearms pointed and excessive force to apply handcuffs).

Unsubstantiated Code of Conduct Allegations

Allegation 1 – Discrimination – s. 5(1). O Reg 407/23

in that, in the course of their duties, he or she treated any person in a manner that, at the time, they knew or reasonably ought to have known, would contravene the Human Rights Code.

Allegation 2 – Unlawful Arrest – s. 7(1). O Reg 407/23

in that, at the time of the arrest, he or she knew or reasonably ought to have known that the arrest was unlawful

Allegation 3 – Unnecessary Force – s. 11(1) O Reg 407/23

Decision and Reasons

Allegation 1 -

Investigation revealed there was objective criteria unrelated to race/color/ethnic origin that led to arrest and brief detention of the complainant and his two friends. The PSB established that there was no evidence that officers failed to treat the complainant equally without discrimination.

Allegation 2-

The RO1 stated he had reasonable ground to believe that the males were involved in the incident, as they were at the incident location immediately after the call to 911 and they matched the suspects descriptors.

Reasonable grounds means a set of facts or circumstances, which would satisfy an ordinary, cautious and prudent person to have a strong belief and which goes beyond mere suspicion . The reasonable grounds are the officer ' s personal belief and subjective in nature.

The PSB has established that RO1 had reasonable grounds for the arrest.

Section 7(2) states that a police officer shall not be subject to discipline for a contravention of section (1) if the police officer demonstrates, on a balance of probabilities that their conduct was in good faith performance of their duties

Allegation 3-

The In-Car-Camera showed that no firearms were pointed at the complainant. Firearms were drawn and justified. The complainant was not thrown to the ground and no excessive force was used during his arrest.

The PSB investigation determined that a level of force was required during all stages of the arrest. This complied with the Use of Force model and not determined to be unnecessary or excessive.