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: 03/17/2025

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 (CO), alleged the Respondent Officers (RO) used excessive force when he was arrested and was then denied essential medication. It was further alleged that the RO's required the CO to remove articles of clothing despite a physical impairment and then made accusations of intoxication.

Ontario

Unsubstantiated Code of Conduct Allegations

Unnecessary Force - Sec. 11(d) CSPA Reg. 407/23
Duty - Neglect or Omit - Sec. 19 CSPA Reg. 407/23
Undermine Public Trust Sec. 10(1) CSPA Reg. 407/23

Decision and Reasons

Allegation 1 – Unnecessary force – Respondent Officer (RO) #1 and #2
Section 11 of the Community Safety and Policing Act O. Reg. 407/23, Code of Conduct states, "A police officer shall not use force unless, the force is used for the purpose of carrying out a duty; the officer is entitled, by statute or common law, to use force for the purpose of carrying out that duty; the officer is acting on reasonable grounds; and the force used is no more than is necessary given the circumstances."

Criminal Code Section 25(1) – Protection of persons acting under authority, states: "Everyone who is required or authorized by law to do anything in the administration or enforcement of the law, as a peace officer or public officer is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose."

[Police Service] Policy 2.42.5 - Handcuffs -states in part "A uniform member/auxiliary member may use handcuffs to restrain a person when it is reasonable to do so and when there is reasonable belief that failure to do so may jeopardize the safety of the person, a member of the public, or a police employee. Comfort/Removal - When a uniform member/auxiliary member uses handcuffs or nylon restraints, these restraints shall not be applied tighter than required and shall be removed as soon as it is reasonable to do so."

The CO had alleged that RO #1 and #2 used unnecessary force upon his arrest by handcuffing his wrists to the back and transporting him to [town] Detachment which resulted in soft tissue damage. The RO's were in the lawful execution of their duty and acted in good faith when they recognized the requirement to apprehend and take control of the CO to protect him, themselves and the Civilian Witness (CW). The CO was unresponsive to tactical communication to deescalate and was assaultive by striking himself in the head with open hands and closed fists. The use of handcuffs as a restraint is recommended and customary when taking people into custody by police and during transport. The purpose of handcuffing to the rear is to restrict the mobility of the detainee for safety and "double locking" prevents the handcuffs from cinching and was utilized by RO #1. The minimal force for the application of handcuffing was justified.

Therefore, upon reviewing the Community Safety and Policing Act Code of Conduct, the referenced material, and comparing it to the evidence of the CO, the CW and the RO's, there is insufficient evidence to substantiate or support a breach of the Code of Conduct. As such the allegation of Unnecessary Force is unsubstantiated.

Allegation 2 – Neglect or Omit to Do Duty – RO's #1 and #2
Section 19 of the Community Safety and Policing Act O. Reg. 407/23, Code of Conduct states "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."

[Police Service] Policy 2.41.1 - Arrest - Medical Aid to Persons Under Arrest, states in part, "When a uniform member arrests/detains a person under arrest who requires medical aid, they shall ensure that such person has access to appropriate medical attention prior to processing."

The CO had alleged that RO #1 and #2 put his life at risk when they denied his medications and failed to do their duty to ask the CW to provide his medications when he was taken to [town] Detachment.

The evidence of the CW and the CO did not support that either RO were informed of the CO's medical condition at the time of his arrest or that he required diabetic medication. While at [hospital] the CO asked RO #1 what had happened as he had no memory and commented that he must have blacked out. If the RO's had been told that the CO was diabetic, the RO's may have recognized the condition was not a result of intoxication as reported by the CW and that he was in medical crisis. [Police Service] Policy 2.41.1 would have required them to obtain medical treatment immediately. Once the medical condition was disclosed to RO #1 at [town] Detachment, He sought supervisor permission and transported the CO to [hospital].

To substantiate an allegation of neglect, the evidence must show, on a standard of reasonable grounds, that a police officer wilfully, intentionally, knowingly, or deliberately neglected the performance of their duties.

Therefore, upon reviewing the Community Safety and Policing Act Code of Conduct, the referenced material, and comparing it to the evidence of the CO, the CW and the identified RO's, there is insufficient evidence to substantiate or support a breach of the Code of Conduct. As such the allegation of Neglect to Do Duty is unsubstantiated.

Allegation 3 – Undermine Public Trust – RO #1, #2, #3
Section 10 of the Community Safety and Policing Act O. Reg. 407/23, Code of Conduct states, "A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, trust in policing."

The CO alleged the RO's acted unprofessionally during his detention, failed to allow him to speak with a lawyer, accused him of being drunk, using drugs and told to take off his clothes.

As confirmed in the cell area video, RO #3 was merely in the cell area coincidentally with his own prisoner having no interaction with the Complainant.

The evidence of RO #1 and #2, who interacted with the CO, showed that upon arrest, the CO was read his Rights to Counsel, but he did not respond. During the booking process at the detachment, the CO was again given the Rights to Counsel with no response.

The reason for the CO to remove his shirt briefly was unclear, however not unusual when checking for injury prior to lodging. The allegation that the RO's accused the CO of being drunk or using drugs was denied by RO#1 and uncorroborated. RO #1's evidence was that the CO had stated he had no memory and must have blacked out. Once the CO was placed in the rear of cruiser 06-229, RO #1 activated the ICC. The ICC recordings of the cruiser being operated solely by RO#1 supported the fact that RO #1 was respectful towards the CO and only utilized physical control as needed. RO #2 had no interaction while operating his own cruiser and following RO#1. At the detachment, RO #2 assisted with paperwork, having limited to no interaction with the CO.

Therefore, upon reviewing the Community Safety and Policing Act Code of Conduct, the referenced material, and comparing it to the evidence of the CO the CW and the identified RO's, there is insufficient evidence to substantiate or support a breach of the Code of Conduct. substantiate or support a breach of the Code of Conduct. As such the allegation of Undermine Public Trust is unsubstantiated.