

**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: [REDACTED]

Date of Complaint: 11/27/2024

Type of Investigation:

Referred to Same Service: ☒

Referred to Other Service: ☐

Retained by LECA: ☐

Service Investigations Referred to:

### De-identified Summary of Complaint

The RO was lawfully arresting a motorcyclist for stunt driving. The suspect fled on foot and the RO used a conductive energy weapon to bring him to the ground. The suspect continued to resist arrest and repeatedly reached for his waistband. The RO was alone as he struggled on the ground with the suspect. The RO asked two bystanders for help, one of whom was the complainant. The RO repeatedly asked her to help him gain control of the suspect's hands. Rather than assist the officer by following his directions, the complainant obstructed the arrest by attempting to aid the suspect in removing his motorcycle helmet. The complainant went as far as to tell the suspect to listen to her rather than the officer. After the suspect was handcuffed, the RO told the complainant to leave. She continued to interfere by proceeding to the suspect's motorcycle which caused unnecessary safety and investigative concerns for the RO. While the RO was dealing with the suspect, the complainant yelled at him and recorded the situation. A bystander protested the complainant's behaviour by telling her to let the officer do his job.

The complainant was subsequently arrested for obstructing and failing to assist a police officer and was released from the scene. The Office of the Crown Attorney later withdrew the criminal charges. The complainant believed the arrest was unlawful, that unnecessary force and insulting language were used, and the officer was negligent in his duties. The complainant reported that her reputation was damaged due to a media release and that she incurred a monetary loss due to lawyer fees.

Unsubstantiated Code of Conduct Allegations
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Community Safety and Policing Act, Code of Conduct for Police Officers, O. Reg. 407/23:

Sec. 07 Unlawful Arrest  
Sec. 11 Unnecessary Force  
Sec. 12 Insulting Language  
Sec. 19 Neglects to do Duty

Decision and Reasons
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**Sec. 07 Unlawful Arrest**

The RO had reasonable and probable grounds for the arrest which were corroborated by a civilian's comments to the complainant. Sec. 495(1) of the Criminal Code authorizes police to arrest without a warrant and Sec. 25(1) authorized the use of force. The grounds for the arrest are supported by video evidence.

**Sec. 11 Unnecessary Force**

Video evidence proves that unnecessary force was not used. The complainant said she had pictures of bruises on her arms from being arrested. She agreed to provide them as evidence but then did not disclose them. The officer was authorized by Sec. 25(1) of the Criminal Code to use force and only the bare minimum was applied (i.e. handcuffing, escorting to cruiser, search).

**Sec. 12 Insulting Language**

Video evidence shows the officer was professional and appropriate in dealing with the complainant. The respondent police officer, and those assisting him, did not use profane or abusive language.

**Sec. 19 Neglects to do Duty**

The RO complied with case law and police policy by searching the complainant incident to arrest. The search was minimal, unobtrusive, and recorded. The officer provided his name and badge number on the complainant's release documents.