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*By GALLOCH at 8:59 am, Feb 06, 2025*



**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: York Regional

Date of Complaint: 08/07/2024

Type of Investigation:

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

Service Investigations Referred to:

## De-identified Summary of Complaint

On August 7, 2024 Civilian Witness 1 called 911 to report a family domestic dispute between her and her daughter (Complainant). Civilian Witness 1 indicated her daughter was mentally unstable, had assaulted her and she didn't feel safe around her.
The complainant alleged Police unlawfully gained entry into her condominium unit and subsequently unlawfully arrested her without attempting to communicate with her.
The complainant then alleged Police used excessive force through the misapplication of handcuffs which resulted in injuries to her wrist and forearms.
The complainant further alleged Police unlawfully rummaged through her personal belongings and made a racist/discriminatory statement by misstating the facts of the arrest and purposely mispronouncing her last name.
The complainant indicated she was calm and cooperative the entire time, it was the Police who escalated the entire incident by accepting the word of a delusional old lady.

## Unsubstantiated Code of Conduct Allegations

Allegation 1 – Unlawful arrest – Section 7(1)
Unlawful arrest, in that he or she, at the time of the apprehension, you knew or reasonably ought to have known that the apprehension was unlawful.

Allegation 2 – Conduct Undermines Public Trust - Section 10(1)
Conduct Undermines Public Trust in that, he or she conducted them-self in a manner that undermined, or was likely to undermine, public trust in policing

## Decision and Reasons

Allegation 1
This investigation determined, the complainant was given ample opportunity to communicate with officers and demonstrate her mental stability however she refused. Further, this call was supported by a Mental Health Support Team (MHST), a 2 member team with specialized training to assist incidents involving "Persons in Crisis". The MHST unsuccessfully attempted first contact and to de-escalate the complainant's volatile disorderly behaviour. The complainant was subsequently apprehended under the Mental Health Act and transported to the hospital. Based on the totality of the information received by the respondent officers, their observations and conversations with the Civilian Witness 1, the apprehension of the complainant, under the Mental Health Act, was lawful.

Allegation 2
The investigation determined, the lawful owner of the condominium unit was Civilian Witness 1, the complainant pays rent to share space. Further, prior to the entry into the condominium unit officers attempted to communicate with the complainant while in the hallway, outside of the unit, however she refused to engage. It was Civilian Witness 1 who opened the door with a key in her possession and granted officers permission to enter the unit. Civilian Witness 1 remained in the hallway, while officers engaged with the complainant. Further, once apprehended it was the complainant who demanded specific items be transported to the hospital with her. Once identified officers conducted a security search, authorized by law, prior to transporting the requested items. Based on the totality of all the facts, the entry into the condominium and search of the complainants personal items were deemed lawful.

Allegation 3
This investigation determined, the complainant resisted the apprehension, under the Mental Health Act, by failing to comply with officers repeated requests. It was her disorderly behaviour which caused the necessity for the application of handcuffs and once applied she continued to wrestle and wrench the handcuffs. The officers in car camera recording supports the handcuffs were fitted and double locked as the complainant could clearly moved the handcuffs up and down