


**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: 05/27/2024

Type of Investigation:

Referred to Same Service: ☒

Referred to Other Service: ☐

Retained by LECA: ☐

Service Investigations Referred to:

### De-identified Summary of Complaint

On May 25th, 2024, Civilian Witness 1 called 911 call for a wellness check of her daughter (the complainant), for a suspected overdose.

Police and EMS attended and spoke to the complainant, who alleged officers yelled at her repeatedly and tore blankets off her without knowing if she was clothed.

The complainant alleged officers used excessive force by grabbing her wrists and ankles, eventually dragging her out of her bed and handcuffing her.

The complainant stated her only non-compliance was refusing to leave her bed and home, but she was not violent or harmful to anyone.

The complainant alleged she pleaded to be transported to the hospital by ambulance rather than by police car.

## Unsubstantiated Code of Conduct Allegations

### Allegation 1 – Unlawful Detention - Section 8(1)

Unlawful Detention in that, by act or omission, at the time of the detention, he or she made a physical or psychological detention of a person that they knew or reasonably ought to have known was unlawful

### Allegation 2 – Unnecessary Force - Section 11(1)

Unnecessary Force in that, by act or omission, he or she used unnecessary or excessive force against any person

### Allegation 3 – Conduct Undermines Public Trust - Section 10(1)

Conduct Undermines Public Trust in that, he or she conducted themselves in a manner that undermined, or was likely to undermine, public trust in policing

## Decision and Reasons

### Allegation 1

This investigation determined, the complainant had taken at least 5 Clonazepam pills and required medical attention at a hospital. The complainant refused to co-operate with EMS and officers, to attend the hospital voluntarily. The complainant was subsequently apprehended under the Mental Health Act and transported to the hospital where she was admitted.

This investigation has determined, based on the totality of the information received by the respondent officers, their observations and conversations with the complainant, the apprehension of the complainant, under the Mental Health Act, was lawful.

### Allegation 2

This investigation determined, the complainant resisted apprehension, under the Mental Health Act, by failing to comply with officers' requests, attempting to pull away from and kicking at officers. The minimal amount of force used by the officers to apprehend the complainant, which was precipitated by the non-compliance of the complainant, was appropriate, justified and in accordance with their training.

### Allegation 3

This investigation has determined the officers did not swear at the complainant. Both officers readily admitted to raising their voices to the complainant, referencing her age and telling her she needed to act like an adult, as she was yelling at them and refusing to comply, as they were attempting to apprehend her under the Mental Health Act. The officers' choice of words, although considered offensive by the complainant, do not undermine the public trust.

The removal of the covers from the complainant, who was clothed, when she refused to comply with the officers as they were trying to apprehend her, was necessary for both the safety of the officers and the complainant.