

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: 06/16/2024

Type of Investigation:


Referred to Same Service: ☒

Referred to Other Service: ☐

Retained by LECA: ☐

Service Investigations Referred to:

De-identified Summary of Complaint

The complainants in this matter were ejected from the  concert venue after an altercation with other concertgoers. The Complainants allege that the Respondent Officers failed to properly identify themselves and conducted a negligent investigation into the incident, resulting in improper enforcement actions, including unlawful detention, excessive force, and conduct allegedly influenced by racial bias.

Unsubstantiated Code of Conduct Allegations

Allegation 1 - Fail to Provide Identifying Information Upon Request

It was alleged the Respondent Officers committed misconduct in that, they failed to provide their names and badge numbers when requested by the complainants contrary to Section 13(2) of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195(a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

Allegation 2 - Neglect of Duty

It is alleged that the Respondent Officers committed misconduct in that, by act or omission, they failed to perform their duties appropriately without lawful excuse and knew, or reasonably ought to have known would amount to failure to perform duties appropriately, contrary to Section 19 of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195(a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

Allegation 3 - Unnecessary or Excessive Force

It is alleged that the Respondent Officers committed misconduct in that, they used unnecessary or excessive force against the complainants, contrary to section 11(1) of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to section 195(a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

Allegation 4 - Unlawful Detention

It is alleged that the Respondent Officers committed misconduct in that, at the time of the detention, the respondent officers authorized or made a physical or psychological detention of one of the complainants that the respondent officers knew or reasonably ought to have known was unlawful, contrary to section 8(1) of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195(a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

Allegation 5 - Undermine Public Trust

It is alleged that the Respondent Officers committed misconduct in that they conducted themselves in a manner that undermined or was likely to undermine, public trust in policing, contrary to section 10 of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195(a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

Decision and Reasons

Allegation 1:

The investigation determined that the Respondent Officers were acting within the lawful scope of their duties and in accordance with all governing regulations. There was no evidence to suggest that the officers deliberately withheld their names or badge numbers during the incident. Both the Body-Worn Camera (BWC) footage and officer statements confirmed adherence to [REDACTED] procedures, with the officers consistently providing their identifying information verbally and visually, even under high-stress circumstances.

Based on the evidence, the Investigating Officer concluded that there were no reasonable grounds to support allegations of misconduct related to the failure to provide identifying information upon request. Consequently, the allegations were deemed unsubstantiated.

Allegation 2:

The investigation determined that the Respondent Officers acted lawfully and in accordance with all governing authorities. The allegation of neglect of duty is unsupported by the evidence. The officers maintained professionalism, adhered to procedures, and exercised restraint despite the disruptive behavior of the Complainants, whose refusal to comply with Security's directives contributed to the escalating nature of the incident.

There is no evidence of neglect in the officers' actions. The complaint appears to stem from a misunderstanding of the legal context, particularly the enforcement of the Trespass to Property Act. As a result, the allegations are unsubstantiated.

Allegation 3:

The investigation determined that the Respondent Officers lawfully performed their duties in full compliance with governing authorities. Body-worn camera footage, officer reports, and witness statements demonstrated that the officers' actions were proportionate and aligned with use-of-force standards.

Although one of the Complainants sustained minor injuries, these were consistent with lawful detention and did not support the claims of excessive force. The officers' actions were justified under [REDACTED] Procedure 15-01 and Section 25(1) of the Criminal Code.

The evidence did not establish reasonable grounds for misconduct related to excessive force, and the allegations were deemed unsubstantiated.

Allegation 4:

The investigation determined that the Respondent Officers acted lawfully and within the scope of their duties, in full compliance with governing authorities. The Complainant's refusal to cooperate with security personnel escalated the situation, requiring police intervention. The Complainant's arrest and detention were justified and lawful, resulting from her non-compliance and assaultive behavior.

The incident aligned with legal principles, particularly as outlined in *R. v. Asante-Mensah*, supporting the reasonable use of force to remove individuals refusing to leave a property. Both security and police actions were lawful, upholding the venue's rights under the Trespass to Property Act. The Complainant's detention was neither arbitrary nor in violation of her Charter rights.

The Investigating Officer concluded there was insufficient evidence to support allegations of misconduct regarding unlawful detention. As a result, the allegations were deemed unsubstantiated.

Allegation 5

The investigation determined that the Respondent Officers acted lawfully and in full compliance with all governing authorities. A review of statements and body-worn camera (BWC) footage found no evidence that the Respondent Officers' actions undermined public trust.

The allegations of racial discrimination made by the Complainants were unsupported and contradicted by the BWC footage, which showed the officers acting professionally and respectfully. The incident escalated due to the complainants' disorderly behavior, with no basis for claims of racial bias.

As a result of the insufficient evidence, the allegations were deemed unsubstantiated.