

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: 11/01/2024

Type of Investigation:

Referred to Same Service: ☒

Referred to Other Service: ☐

Retained by LECA: ☐

Service Investigations Referred to:

De-identified Summary of Complaint

The complainant was arrested for public intoxication and taken to a holding cell. The complainant stated she was not given her rights nor was she allowed to contact a lawyer.

Complainant said she ended up unconscious in the cell and asked for medical attention. At first, the officers were willing to release her to her boyfriend however officers believed that the complainant to be uncooperative, threw her to the floor and dragged her back to their cell. The complainant reports that they have bumps and bruising all over their arms and head as a result of their treatment while in custody.

Unsubstantiated Code of Conduct Allegations

Section 10: Conduct Undermines Public Trust

Section 11: Unnecessary Force

Section 19: Neglects to Do Duty

Decision and Reasons

As nearly all of the allegations made by the complainant were regarding officers action which took place while in police custody and while on video camera and partially audio-recorded, these recordings were relied upon as evidence in this matter.

For the remaining time spent interacting with police, officer statements and recordings of civilians contacting █████ Communication Section for assistance were relied upon.

The audio, video, and officer statements clearly refuted the allegations made by the complainant.

The allegation that the conduct of officers undermined, or was likely to undermine public trust in police by failing to obtain medical assistance for the complainant was unsubstantiated. The reasons for this was because the medical status/well-being of the complainant was closely monitored, according to procedure, while the complainant was in custody at the police station. Further, when there was a concern for the complainant's well-being, an ambulance was called and she was assessed by paramedics and subsequently transported to hospital where she later released from custody.

The allegation that officers used unnecessary force was unsubstantiated through watching officer interactions with the complainant on video. The complainant had provided photographs of bruises on their arms. It was evident through watching video that this was caused when officers assisted the complainant back to their feet after falling to the ground. There was no evidence of unnecessary force.

The allegation that an officer committed misconduct by failing to perform the duty of providing the complainant with their rights to counsel, nor affording them an opportunity to speak with counsel was unsubstantiated. A review of the arresting officer's duty book indicates that he read the complainant their Rights to Counsel upon arrest. Further, when the complainant was booked into the prisoner detention area at police headquarters, audio and video evidence indicates that they were provided with their rights and that a subsequent phone call was made to the lawyer of their choosing. Another message was left approximately 40 minutes after the first, this time for a different lawyer of her choosing. Neither lawyer returned a call to the detention area. The complainant was transported to hospital after injuring themselves while in custody. While at hospital, approximately three hours after the second message was left, Duty Counsel was contacted at the request of the complainant. There was no evidence that an officer committed misconduct by neglecting to do their duty.