

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: 02/17/2025

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 who was the Affected Person complained about the use of force by a member of of the [REDACTED] Police Service while effecting the arrest characterizing it excessive and unnecessary.

The Complainant further stated that for the remainder of the interaction the Respondent Officer was angry and unnecessarily aggressive.

Unsubstantiated Code of Conduct Allegations

Allegation 1 of 2: Sec. 11 – Unnecessary or unlawful force

A police officer shall not use force unless the force is used for the purpose of carrying out a duty; the officer is entitled, by statute or common law to use force for the purpose of carrying out that duty; the officer is acting on reasonable grounds; and the force used is no more than is necessary given the circumstances.

Allegation 2 of 2: Sec. 10 - Conduct undermining public trust

A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.



Decision and Reasons

Sources of Information:

- a) Accounts of a Civilian Witness, Respondent and Witness officers
- b) Video records and health care records submitted by the complainant
- c) Body-Worn Camera Records
- d) Transcript of court proceedings

Allegation 1 of 2: Sec. 11 – Unnecessary or unlawful force

It was found through investigation that there was an immediate need to arrest for public safety, there was authority found under section 25 of the Criminal Code to use force to effect the arrest, the Respondent Officer was acting on reasonable grounds while making the arrest, and the force used was necessary, reasonable, and proportionate.

Cases cited: R. v. Roy; R. v. Beatty; R. v. Storrey; R. v. Beaver; R. v. Ryan; R. v. Nasogaluak

Allegation 2 of 2: Sec. 10 - Conduct undermining public trust

The Respondent Officer's conduct was assessed with consideration given to the legal standard established for Discreditable Conduct under the previous Police Services Act and it was found that the Respondent Officer did not engage in conduct that undermined or was likely to undermine public trust in policing.

Cases cited: Sergeant Mulligan v. Ontario Provincial Police; Constables Mulville and Azaryev v. York Regional Police Service; Constable Campoli v. Toronto Police and O.I.P.R.D.