

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: [REDACTED]

Date of Complaint: 03/05/2025

Type of Investigation:

Referred to Same Service: ☒

Referred to Other Service: ☐

Retained by LECA: ☐

Service Investigations Referred to:

De-identified Summary of Complaint

On November 24, 2024, at approximately 9:45 p.m., the complainant arrived outside [REDACTED] on [REDACTED] to pick up a friend. As the friend was taking longer than expected to exit the establishment, the complainant moved the vehicle to a nearby parking spot to avoid interfering with patrons entering and exiting the premises. At no point did the complainant enter the bar.

At approximately 10:38 p.m., the complainant's vehicle was suddenly surrounded by six police cruisers, and approximately six to seven officers approached the vehicle. The complainant was unaware of any reason for this interaction. The officers proceeded to question the complainant in a condescending and accusatory manner, while shining spotlights into the vehicle. The drug enforcement unit was called to the scene.

Despite clearly stating that no alcohol or drugs had been consumed, the complainant was compelled to submit to a breathalyzer test. The test results were negative. The complainant found the process humiliating and degrading, especially given the public setting and the aggressive tone of the officers.

Officers also questioned the ownership of the complainant's vehicle, requesting various details and documentation, which the complainant provided without issue. Following the verification of the vehicle's ownership and the negative breathalyzer test, the complainant was allowed to leave the scene. No explanation or apology was offered for the officers' conduct.

Following the incident, a complaint was made to a [REDACTED] Police Duty Officer. The Duty Officer acknowledged that the officers involved were not under his direct supervision but stated he would forward the concern to their appropriate supervisor. He also expressed concern over an apparent pattern of "call swarming" involving newer constables, where multiple officers attend a single scene unnecessarily. He advised the complainant to file a formal complaint and recommended the review of dash camera footage.

Unsubstantiated Code of Conduct Allegations

5 (1)

YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT, IN THE COURSE OF YOUR DUTIES, YOU TREATED ANY PERSON IN A MANNER THAT, AT THE TIME, YOU KNEW OR REASONABLY OUGHT TO HAVE KNOWN, WOULD CONTRAVENE THE HUMAN RIGHTS CODE, contrary to Section 5 (1) of the Schedule 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

5 (1) YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT, IN THE COURSE OF YOUR DUTIES, YOU TREATED ANY PERSON IN A MANNER THAT, AT THE TIME, YOU KNEW OR REASONABLY OUGHT TO HAVE KNOWN, WOULD CONTRAVENE THE HUMAN RIGHTS CODE, contrary to Section 5 (1) of the Schedule 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. UNSUBSTANTIATED. PSB came to the conclusion for the following reasons:

- PC LAMACCHIA was observed on video treating CW1 appropriately.
- Three witness officers reported that all interactions with CW1 were professional and cordial.
- PC LAMACCHIA and other officers involved were unaware of who the driver was prior to the interaction and their decision to stop the vehicle was based on public safety only.
- There was no evidence uncovered or provided to PSB that would suggest that this interaction was based on anything that would contravene the Human rights Code.

11 (1) YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT, YOU USED UNNECESSARY OR EXCESSIVE FORCE AGAINST ANY PERSON, contrary to Section 11 (1) of the Schedule 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. UNSUBSTANTIATED. PSB came to the conclusion for the following reasons:

- No force was used on CW1 throughout the interaction.
- CW1's report of the show of force was not accurate compared to the dash cam footage and officer reports.
- There was no evidence on the dash cam video to suggest that unnecessary force was used.
- It is common practice for zone partners to check on traffic stops due to officer safety reasons.

10 (1) YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT, YOU CONDUCTED YOURSELF IN A MANNER THAT UNDERMINED OR WAS LIKELY TO