

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: 03/25/2025

Type of Investigation:

Referred to Same Service: ☒

Referred to Other Service: ☐

Retained by LECA: ☐

Service Investigations Referred to:

De-identified Summary of Complaint

On December 29th, 2024, the complainant and his wife were stopped by police and detained for investigation. The complainant and his wife were cooperative and ultimately released from the investigative detention. The complainant filed a complaint with LECA outlining his concerns as follows:

"Me and my wife were shopping in Toronto premium outlets. Two officers came in store in regards to investigate stolen phone they checked me got satisfied and went back again after half hour 3 officers came in food court again towards us and again they want to further investigate they taken my and my wife I'd, check is again and taken personal phone numbers of my wife and mine as well and taken pictures of our driving license and humiliated us in front of everyone twice by asking further questions that why u am not having any shopping bags. Moreover I told officers my wife is pregnant still they make us stand harassed us. I want to take strict action action against all the officers. Else I have no option left I will reach out to mayor of the city even the media."

Unsubstantiated Code of Conduct Allegations

Undermines Public Trust - Section 10 CSPA O.Reg. 407/23: It is alleged that the respondent officers arbitrarily detained the complainant and his wife to investigate allegations of theft under \$500.00

Decision and Reasons

This allegations was unsubstantiated. The evidence supported that the Respondent Officers were dispatched to a Theft Under \$5000 at the [REDACTED]. In review of the occurrence reports, the CAD history and the compelled statements provide by the officers, the Investigator is satisfied that the Respondent Officers had reasonable grounds to suspect a crime had been committed and that the individuals they stopped were connected to the incident.

Police had received two reports of cell phone theft, and two similar descriptions provided by the victims. Witnesses pointed out the complainant and his wife as the responsible parties. The CAD event supports that the first complainant contacted police as a cell phone had been stolen and the callers were following the possible suspects. A second victim approached police as they patrolled the mall, also providing a similar description of a suspect.

The CAD history and Officers notes indicate that the complainant and his wife were placed under investigative detention at 5:29 pm and released at 5:32 pm. This detention was approximately three minutes long. RO2 read read the complainant and his wife their Rights to Counsel and Cautions at 5:30 pm and documented this in his notes. The parties were identified and released. The officers refute the complainant's position that he was searched. The complainant has not provided any additional information to support his account of events. Individuals detained for investigative purposes are entitled to certain rights under Section 10 of the Charter of Rights and Freedoms, including the right to be informed promptly of the reasons for the detention and the right to retain counsel. A review of the evidence provided in this matter supports reason to believe these rights were afforded to the complainant and his wife.

Investigative detention must be justified by reasonable grounds, and the detention must be for a reasonable duration and purpose. The officers explained their reasonable grounds to suspect that the complainant and his wife were involved with the theft, they executed a detention, ensured that the complainant and his wife were notified of the reason for the detention and provided their Charter Rights to Counsel and a Caution. Police confirmed their identities and released them within three minutes. This is not unreasonable in the totality of the circumstances. There is insufficient evidence to suggest misconduct in this matter.