

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: 04/03/2025

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 alleged on January 9th, 2025, he was wrongfully arrested for Mischief to Property by members of [REDACTED] Police. The complainant alleged that the property damaged was in fact his own property and therefore the arrest was unlawful. During the arrest, the complainant alleged that he was not read his rights to counsel.

The complainant further alleged officers had no grounds to hold him for bail, withheld medication from him, and intentionally withheld disclosure of police in-car camera video footage from him and his counsel.

Unsubstantiated Code of Conduct Allegations

Allegation 1 – Unlawful arrest – Section 7(1) - in that he or she shall not make an arrest if, at the time of the arrest, the officer knows or reasonably ought to know that the arrest is unlawful.

Allegation 2 – Unlawful detention – Section 8(1) - in that he or she shall not authorize or make a physical or psychological detention if, at the time of the detention, the officer knows or reasonably ought to know that the detention is unlawful.

Allegation 3 – Conduct Undermines Public Trust – Section 10(1) - in that he or she, without lawful excuse, failed to provide the complainant with his medication when requested and laughed at the complainant during their arrest.

Allegation 4 – Performance of Duties – Section 19 - in that he or she, without lawful excuse, conducted an investigation that they knew was not thorough in nature and failed to disclose evidence.

Decision and Reasons

Allegation 1

On January 9th, 2025, police were called to a domestic radio call. Upon arrival at the call, based on the initial investigation, reasonable and probable grounds (RPG) were formed to arrest the complainant for Mischief to property. Grounds were formed for the arrest, through information received on the 911 call to police, evidence of a damaged laptop within the residence and cautioned statements obtained in the investigation.

Officers identified that the case was domestic related and in accordance with [REDACTED] Procedure LE 024 and were bound to arrest and lay a charge once reasonable grounds were established. When given the opportunity, the complainant admitted in his police interview that the laptop was "shared property". The investigation determined that the arrest of the complainant was lawful.

Allegation 2

The investigation confirmed that steps were in fact taken to address rights to counsel for the complainant on multiple occasions. Those efforts were captured on [REDACTED] Police In car camera (ICC) video, as well as on cameras in the booking area at 2 District Headquarters. On video, the complainant, on both camera sources, acknowledged rights to counsel and was put in touch with counsel. The investigation concluded that this part of the allegation was unsubstantiated.

The investigation identified that post arrest, grounds existed to cause concern that the complainant could continue the offence, which resulted in the complainant being held for a show cause hearing. This was due to three (3) previous domestic related incidents involving the complainant, that included the same offence at the same offence location (2023). One of the incidents involved the complainant breaching his conditions re-attending the same offence location. The investigation concluded that this part of the allegation was unsubstantiated.

Allegation 3

The investigation determined that steps were in fact taken to attempt to assist the complainant with his medications. Officers learned that the complainant took medication (self disclosed), and attempted to address this fact but were met with resistance from the complainant.

This is when officers learned the medication was contained within a residence in another Region and that no one else resided at the location. As a result, it was determined that the complainant would be closely monitored. The attention placed on the complainant was evident in the response time of officers to come to the complainant's aid when he came into apparent distress on cameras within the cell block. Paramedics were called, administered medication within 10 minutes of arrival and ultimately, it was the complainant who refused to attend the hospital, signing-off on medical forms on camera. This investigation concluded that the allegation is unsubstantiated.

Allegation 4

The investigation determined, that the in car camera (ICC) was activated, was operational, recorded evidence and was uploaded to the relevant case on January 10th, 2025. There was no evidence to suggest officers willfully or intentionally failed to provide full disclosure to the complainant or his counsel. This investigation concluded that the allegation is unsubstantiated.