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: 08/09/2024

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 alleges that during a traffic stop, she was unlawfully arrested, and that her vehicle was searched with no explanation provided for the arrest or search. Further, the Complainant alleges excessive force was used during the arrest.

Unsubstantiated Code of Conduct Allegations

Public – Unnecessary Force – Section 11, CSPA, Reg. 407/27

Public – Unlawful Arrest – Section 7, CPSA, Reg 407/23

Charter Rights Breach – Search – Section 6, CSPA, Reg. 407/23

Decision and Reasons

(1) Public – Unnecessary Force – Section 11, CSPA, Reg. 407/27

The Investigator reviewed both officer's reports, notes, Interviews, In-Car Camera video, dispatch audio, Section 495 Criminal Code, and Police Orders Policy on Professionalism.

The Respondent Officer used an appropriate amount of force to gain control of the Complainant given that she was resisting and pulling away from him in a highly dangerous location.
While trying to release the Complainant unconditionally from custody, both Respondent Officers attempted to gain control of her and remove her from the rear of the police vehicle using minimal force. Due to the escalation of the situation, and the Complainant not allowing them to remove the handcuffs to release her, the officers decided to place her back into the police vehicle.

The Investigator concluded there was insufficient evidence to support the allegation of unnecessary force, therefor it was found to be unsubstantiated.

(2) Public – Unlawful Arrest – Section 7, CPSA, Reg 407/23

The Investigator reviewed both officer's reports, notes, Interviews, In-Car Camera video, dispatch audio, Section 495 Criminal Code.

The Respondent Officer had grounds to arrest the Complainant for the offence of suspended driving. It was not common practice for the Respondent Officer to act on that arrest authority, and he had no intention of arresting the Complainant until she began obstructing him from his lawful duties. The Respondent Officer had reasonable and probable grounds to arrest the Complainant for suspended driving and obstructing a peace officer.

The Investigator concluded there was insufficient evidence to support the allegation of Unlawful Arrest, therefor it was found to be unsubstantiated.