

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: 12/02/2024

Type of Investigation:

Referred to Same Service: ☒

Referred to Other Service: ☐

Retained by LECA: ☐

Service Investigations Referred to:

De-identified Summary of Complaint

On September 24th, 2024 the Complainant was asked to leave his place of employment by his boss. The Complainant refused to leave the premise.

The Officer working a paid duty at the store was asked by an employee to remove the Complainant from the store he was employed at.

The Complainant was handcuffed and placed under arrest. The Complainant alleges that he was not told what he was arrested for or read his rights to counsel.

The Complainant alleges that the Officers threatened him with force if he refused to leave the premise and whispered insults to him.

The Complainant also alleges that the Officer dragged him through the store with force to remove him.

Unsubstantiated Code of Conduct Allegations

Human Rights and the Charter - Section 6(1)
Interactions with the public - Section 10(1)
Interactions with the public - Section 11(1)(d)

Decision and Reasons

(1) Human Rights and the Charter - Section 6(1)

It is alleged that the RO did not inform the Complainant the reason for his arrest.

The Respondent Officer received direction from the Civilian Witnesses to remove the Complainant from the premises. He informed the Complainant that he was required to leave the premises, and that non-compliance would result in being handcuffed. Although the Respondent Officer did not specify that the Complainant was under arrest for a particular charge, the overall interaction clearly stipulated that failure to leave would lead to increased police intervention and physical removal. The Respondent Officer's actions were lawful under the Trespass to Property Act, conducted in good faith, and the Complainant's detention was limited to the minimal time necessary to remove him from the premises.

(2) Interactions with the public - Section 10(1)

It is alleged that the RO threatened the Complainant with force if he refused to leave the premise and whispered insults to him

The Investigator completed a thorough review of the available Body Worn Camera video evidence which captured the interaction between the Respondent Officer and the Complainant. At no time did the Respondent Officer threaten or insult the Complainant

(3) Interactions with the public - Section 11(1)(d)

It is alleged that the Respondent Officer dragged the Complainant out of the store using excessive force.

Body Worn Camera video evidence revealed that the Respondent Officer used a minimal amount of physical control to escort the Complainant out of the store. The force used was consistent with the training provided by the [REDACTED] Police Service and in accordance with the Ontario Public-Police Interactions Training Aid Framework.