

**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: 03/07/2025

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 June 20th, 2024, while executing a criminal code search warrant at his residence, officers used excessive force while arresting him for obstruct police.

The complainant further alleged officers used insulting language towards him and taunted him.

The complainant further alleged officers refused to loosen the handcuffs applied to him, even though he repeatedly requested officers to do so.

The complainant further alleged officers intentionally withheld disclosure of police in car camera video footage from him and his counsel.

## Unsubstantiated Code of Conduct Allegations

### Allegation 1 – Unnecessary Force – Section 11(1)

in that he or she, used unnecessary or excessive force against any person

### Allegation 2 – Insulting Language – Section 12(1)

in that he or she, used abusive language, or treated any person in a manner that was abusive

### Allegation 3 – Conduct Undermines Public Trust – Section 10(1)

in that he or she, without lawful excuse, conducted yourself in a manner that undermined, or was likely to undermine, public trust in policing as a member of the police force of which the officer is a member.

### Allegation 4 – Conduct Undermines Public Trust – Section 10(1)

in that he or she, without lawful excuse, conducted yourself in a manner that undermined, or was likely to undermine, public trust in policing as a member of the police force of which the officer is a member.

## Decision and Reasons

### Allegation 1

The investigation revealed portions of the interaction between the complainant and police were captured on police in car camera video and the complainant's house security cameras. Police attended the residence with a lawfully obtained Criminal Code search warrant for a robbery-carjacking in which the complainant's brother, who also resided at the residence, was a suspect. Tactical officers executed the search warrant by breaching the front and rear doors and advising all occupants to exit the residence. The complainant and other his brother were frozen by officers on the front step of the residence while the suspect was arrested. The complainant was uncooperative with officers and with his brother, aggressively stepped towards the front door where officers were dealing with his parents. Officers took hold of the complainant and his brother, who were both shirtless, and attempted to arrest them for obstruct police. While being restrained, the complainant spit in an officers face. The investigation revealed an officer delivered two empty handed strikes to the the complainant's body to gain control of his hands while officers were attempting to handcuff him as he was on the ground. The investigation revealed, although the complainant suffered several abrasions on his body, consistent with the violent struggle the complainant had with officers, and a minor injury to his left eye, there was insufficient evidence to support the allegations that the complainant was repeatedly punched or an officer intentionally poked him in the eye.

The investigation determined the level of force used during the complainant's arrest complied with the Criminal Code and the Ontario Public–Police Interactions Training Aid (2023) not determined to be unnecessary or excessive.

### Allegation 2

The investigation determined, the interaction between officers, the complainant and his family members was a dynamic situation with emotions running high and several people screaming.

The officers involved stated the complainant was uncooperative and swearing at officers, challenging some of them to a fight. the complainant denied these allegations.

The complainant alleged officers, more specially RO1, used profane language and taunted him.

During the execution of the search warrant and the time that complainant was escorted to a police vehicle, a total of fifteen officers were present. Each of those officers stated, no officer and more specifically RO1, taunted or used profane language towards the complainant. A review of the ICCS revealed no evidence of any officer conducting themselves inappropriately towards the complainant.

### Allegation 3

The investigation determined the complainant's allegation that he was refused medical treatment and the handcuffs applied to him during his arrest were not loosened when he requested is unsubstantiated. The elapsed time between when the complaint requested medical attention and when he was examined by paramedics was approximately two minutes. Additionally, the elapsed time between when the complainant asked RO3 if his handcuffs could be loosened was approximately six minutes. Nether of those elapsed times were excessive.

### Allegation 4

The investigation determined, there were three occurrence numbers generated; one for the robbery-carjacking which lead to the search warrant, one for the execution of the search warrant, which was also used for the complainant's arrest and one for the uniform officer assistance at the search warrant. The investigation determined once the non-disclosure error of the in car camera video footage from RO3's police vehicle, which captured the complainant's arrest, was noticed, it was rectified and disclosure was provided to the complainant via his counsel.

There was no evidence to suggest officers willfully or intentionally failed to provide full disclosure to the complainant or his counsel.