

**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: February 26, 2025

Type of Investigation:

Referred to Same Service:  Referred to Other Service:  Retained by LECA:

Service Investigations Referred to:

### De-identified Summary of Complaint

Summary: The Complainant (C) states the following: C stated she was arrested for Breach of Peace and put into custody. She admits she was intoxicated at the that time but she was not driving her car during the arrest nor did she resist arrest. C suffers from schizophrenia. C stated she was handcuffed and several police surrounded her rendering her helpless. She was being asked questions and then did not answer the police but instead stated "make me". Police smashed her face off a concrete table while hand cuffed and the officer pounded on her. C stated when she asked for medical attention it was refused. C indicated she suffered a split lip. It appears the officers did not handle her mental health issues appropriately. It appears the officers must know her medical history, and with this in mind, they failed to properly assess whether she was able to properly comprehend the questions they were asking, coupled with her intoxication.

## Unsubstantiated Code of Conduct Allegations

CSPA Section 5 discrimination – Human Rights Code

CSPA Section 11 unnecessary force

CSPA Section 9 neglects health/safety of person in custody

CSPA Section 19 neglects to do duty

## Decision and Reasons

### Allegation 1 – Discrimination – Human Rights Code – S. 5(1) CSPA

The complainant was arrested when she was caught breaching the terms of her release order. Neither Subject 1 nor the complainant told the arresting officers that she was suffering from Mental Illness, and there was nothing in her local records history that would indicate she may require additional care or consideration. This investigation found no evidence to support that the complainant's mental health diagnosis played a factor in her arrest or treatment and thus this allegation is unsubstantiated.

### Allegation 2 – Unnecessary Force S.11 CSPA

The complainant's arrest and booking process followed the [police service] Directives. Video evidence of the entire interaction shows the complainant refused to cooperate with verbal commands during the booking process and resisted during the search. The complainant tried to grab the officer's gun belt, and the force used to restrain the complainant was no more than necessary given the circumstances. The allegation is unsubstantiated.

### Allegation 3 – Neglects Health/ Safety of Person in Custody S.9 CSPA

The complainant stated she suffered a severe and debilitating head injury; however, this was not consistent with the video evidence, the photo evidence provided later, or the medical documentation. She stated she suffers headaches and memory loss from her head being slammed on a concrete table, however this investigation found no evidence to support any of her claims. There is no concrete table, and her head was not smashed against any surface.

In her interview with investigators the complainant clearly recalled stating to the cell officers "make me" when asked to respond to questions. She recalled being arrested by a male officer and having 2 female officers take control of her in cells. She also recalled having her necklace removed and requesting a doctor. This recollection does not support the claim that she suffered from extreme impairment, mental health crisis or memory loss.

The only injury the complainant clearly acquired while in custody was the cut to her lip, however it is not clear if it was sustained as a result of officer actions, if she bit her own lip, or if it was caused or exacerbated by her lower lip piercings. All three piercings were unaffected and the injury was such that would not require emergency medical care. Further, during her time in cells, the complainant did not provide any evidence or exhibit any symptoms that would suggest she required emergency medical treatment. The booking officer is an experienced officer of more than 20 years. He is a trusted Acting Sergeant and has extensive experience in cells. He examined her lip injury within 3 minutes of her being placed in her cell and he noted it had already stopped bleeding. His experience combined with continued renewal of Level C Emergency First Aid training throughout his career led him to conclude the complainant's injury was minor and did not require immediate medical treatment.

Officers are not obligated to bring a person in custody to the hospital for medical treatment on the basis of an existing mental health condition alone, but rather the obligation is to continually assess and determine if grounds exist under the Mental Health Act, or if there is reason to believe the detainee may harm themselves while in custody. The complainant did not give any cause for officers to believe her mental health needed urgent assessment.

The complainant was afforded the same standard and treatment as any person required to stay in custody and thus the allegation is unsubstantiated.

It should further be noted, this investigation was considerably delayed due to the delay in receiving medical documentation that the complainant stated would support her allegations. The records were not provided as the complainant's doctor deemed there was nothing in the medical records pertinent to the investigation, and none of the treatment dates aligned with the date of this interaction.

### Allegation 4 – Neglects to do Duty S.19 CSPA

The complainant was verbally abusive to all cell staff, defecated on the floor, used her clothing to flood the cells, and was a general nuisance while in custody.

The complainant was monitored throughout her stay in cells – every 20 minutes – more frequently than the 25-30 minutes as mandated in the [police service] Directives. She was also provided clothing after she intentionally soiled her own. There is insufficient evidence to suggest officers neglected to perform any portion of their duty and thus the allegation is unsubstantiated.

This investigation has found officers acted lawfully and used force reasonable and proportional to the circumstances presented. There is no evidence to suggest the complainant was discriminated against or denied medical treatment or proper care.