

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: 03/03/2025

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 that the Respondent Officer was disrespectful and threatened that he would break his arm. Further it is alleged that the Respondent Officer used excessive force.

Unsubstantiated Code of Conduct Allegations

Section 11 - Unnecessary Force
Section 12 - Uncivil

Decision and Reasons

The Complainant was parked late at night in a community parking lot with the vehicle lights on when observed by the Respondent Officer, who continued on patrol. Later that evening, the Respondent Officer passed by again and noticed the Complainant's vehicle in the same position. The officer pulled in to investigate and illuminated the vehicle with a spotlight. The Complainant responded by shining a flashlight into the Respondent Officer's eyes.

While speaking with the Complainant, the officer detected an odour of alcohol and observed open alcohol in the back seat. The officer requested the Complainant's driver's licence and asked them to step out of the vehicle to provide a breath sample. The Complainant initially refused until Witness Officers arrived.

As the Respondent Officer prepared to administer the Approved Screening Device test, the Complainant placed his hands into his pockets as if retrieving an item. For safety reasons, the Respondent Officer directed him to remove his hands. The Complainant allegedly stated, "So what if I have a knife or a needle." The Respondent Officer then used a reasonable amount of force to remove the Complainant's hands and administered the test. The Complainant was subsequently charged under the Liquor Licence and Control Act and released.

The PSU Investigator obtained statements from the Respondent Officer and Witness Officers and reviewed In-Car Camera footage of the interaction. The footage confirmed that minimal force was used and that it was necessary, proportionate, and reasonable in the circumstances. There was no evidence to suggest that the Respondent Officer threatened the Complainant.