

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: 04/27/2025

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 after leaving a fundraising event at a local curling club around midnight on April 26, 2025, they were followed by two police cruisers. The complainant stated that after stumbling while looking back, they were arrested by the respondent officer, handcuffed, and transported to the detachment where their belongings were seized. According to the complainant, they were denied access to a phone call and held until 7:20 a.m. the following morning. The complainant alleged that the arrest was unwarranted and amounted to police harassment.

Unsubstantiated Code of Conduct Allegations

Public-Undermine Public Trust - Sec 10 CSPA Reg. 407/23
Duty-Neglect or Omit - Sec 19 CSPA Reg. 407/23

Decision and Reasons

Section 10 of Ontario Regulation 407/23, Code of Conduct of the Community Safety and Policing Act, 2019 (CSPA) states: A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.

Section 19 of Ontario Regulation 407/23, Code of Conduct of the Community Safety and Policing Act, 2019 (CSPA) states: A police officer shall not, by act or omission, fail to perform their duties appropriately without lawful excuse if, at the time, they know or reasonably ought to know that their act or omission would amount to a failure to perform their duties appropriately.

The complainant alleged that they were harassed and unlawfully arrested by police. Police were responding to a legitimate call for service from a member of the public, a witness. The witness observed the complainant walking alone while intoxicated and was sufficiently concerned for the complainant's safety that they followed the complainant and contacted police for assistance. Upon arrival, the respondent officer observed the complainant from a distance, consistent with standard practice to assess indicators of impairment and ensure officer and public safety prior to engagement.

Officers observed clear indicators of impairment, including stumbling, unsteadiness, the odour of alcohol, and minor injuries consistent with a fall. Additionally, the temperature had dropped significantly, creating a risk to the complainant's safety if left unattended outside. Officers engaged with the complainant for approximately fifteen to twenty minutes with the primary purpose of offering a safe ride home or to a place of safety. During this interaction, the complainant was uncooperative, refusing to provide identifying information or disclose their intended destination.

Due to the complainant's lack of cooperation, visible injuries, and the risks associated with their intoxicated state, officers were left with no viable alternative but to place the complainant under arrest pursuant to section 31(1)(a) of the LLCA. This authority permits police to take into custody individuals who are intoxicated in a public place and unable to care for themselves, for the protection of the individual and the public. This is consistent with standard police practices focused on care and protection rather than punishment.

The respondent officer arrested the complainant for public intoxication after the complainant refused assistance. In doing so, officers were carrying out their duties under Section 82(1) of the Community Safety and Policing Act (CSPA), which requires police to preserve the peace, prevent offences, assist persons in need, and take into custody those who may lawfully be detained. The complainant alleged that their property was unlawfully seized by police.

Upon being lodged at the detachment, the complainant's belongings were collected in accordance with standard detainee-care policy and Section 2.47: Detainee Care and Control. Under this policy, officers must remove items that could pose a risk to the detainee or others, including objects that may facilitate escape, cause injury, or result in property damage. In this case, the complainant's belongings were lawfully secured and later returned upon release.

The complainant further alleged that they were denied the opportunity to make a phone call while in custody. The complainant was offered the opportunity to speak with duty counsel, which they eventually accepted. Section 10 of the Canadian Charter of Rights and Freedoms and standard detainee-care policies require that individuals in custody be provided the opportunity to consult legal counsel without delay.

Calls to individuals other than legal counsel must be authorized by the officer in charge, as outlined in Section 2.47: Detainee Care and Control; in this case, such a request was denied by the supervising officer. There is no legal obligation to provide personal phone calls beyond the right to counsel, and offering the opportunity to speak with duty counsel satisfied the officers' legal obligations.

After reviewing the CSPA, Ontario Regulation 407/23 Code of Conduct, witness evidence, and referenced materials, there is no evidence to support a breach of the Code of Conduct by the respondent officer in relation to the allegations. Accordingly, the allegations that the respondent officer neglected their duties or undermined public trust are unsubstantiated.