

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: 05/26/2026

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 (CW1) stated that they were walking from the [location] in downtown [city] near the courthouse, shortly before 4:00 p.m. They report hearing running footsteps behind them and turning around because they were confused. When they looked back, they saw a police officer they did not recognize running toward them. CW1 says they did not resist, but they became scared and tense because they did not understand what was happening. They state that the officer only yelled that they were under arrest when he was about two feet away, which CW1 believes did not give them time to respond or comply before force was used.

CW1 alleges that the officer grabbed them and forcefully threw them into the space between the ground and the courthouse wall. They say their head and face struck the ground and wall, causing them to bleed heavily and experience significant pain. They later went to the hospital because of the injuries and, at the time of writing the complaint, said their face remained very sensitive and painful.

CW1 stated that they were not the person the officer was trying to arrest. They say they asked the officer whether he was sure he had the right person, and the officer then acknowledged that they had "the wrong guy." CW1 says they told the officer they had no warrants and had not done anything wrong since being released from jail. They feel the officer should have confirmed their identity before using force, especially because they looked back at the officer and the officer should have been able to see their face.

CW1 also alleged that they were searched even though the officer had the wrong person. They say they told the officer that the search was unnecessary and should not have been happening. During the search, the officer reportedly took a blue knife with a Native design and Damascus style metal. CW1 describes the knife as a tool with sentimental value and says they have never been charged with anything involving violence. They do not understand why the item was taken and believe the search and seizure were improper because the officer had mistaken them for someone else.

Unsubstantiated Code of Conduct Allegations

Allegation #1

11 (1)

YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT, YOU USED UNNECESSARY OR EXCESSIVE FORCE AGAINST ANY PERSON, contrary to Section 11 (1) of the Schedule Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195 (a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

Decision and Reasons

The investigation established that CW1 was mistakenly identified as CW2 and was consequently arrested and taken to the ground. It is understandable that CW1 found the incident upsetting, particularly because he was not the person wanted by police and suffered a minor facial injury during the arrest.

The investigation also identifies areas where the officers' decision making could have been better, particularly with respect to confirming the identity of the person before initiating physical contact.

However, the evidence does not establish misconduct under the Ontario Code of Conduct. The officers were acting on information that they reasonably believed to be true. [Respondent Officer] had reviewed the wanted person's photograph and believed that CW1 looked almost identical to him. [Respondent Officer] also independently observed similarities between the two individuals. Both officers believed they were dealing with a person who was wanted on an outstanding warrant and who was known to flee from police.

Once the mistake was identified, the officers took reasonable steps to confirm CW1's identity and released him without conditions. [Respondent Officer] apologized for the mistake, and both officers documented the incident. The evidence does not demonstrate that either officer acted dishonestly, maliciously, recklessly, or for an improper purpose.

The Code of Conduct recognizes that good faith is an important consideration when assessing police conduct. Sections 7 and 11 specifically provide good faith exceptions in relation to unlawful arrests and the use of force.

In considering the evidence, this investigation is better characterized as an error in judgment and mistaken identification rather than misconduct. The officers were attempting to perform legitimate police duties and made an honest mistake regarding the identity of the person they encountered.

Although the incident provides an opportunity for learning and review of arrest and identification