

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: Niagara Regional

Date of Complaint: 04/01/2024

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 was driving on a roadway within the Niagara Region. Unbeknownst to the complainant, 30 minutes earlier, a shooting had occurred in a city within the Niagara Region. The suspect vehicle description was broadcast on the police radio system for all Niagara Regional Police officers to hear and look for the vehicle.

RO#1 was driving on the same roadway as the complainant, and observed the same vehicle that was broadcast over the police radio system. RO#1 input the license plate number into the police computer system incorrectly (one digit off). The wrong license plate was attached to a same coloured motor vehicle with a similar manufacturer year, but different make and model. RO#1 attempted to pull beside the vehicle to look in and see the driver, but the windows were heavily tinted; RO#1 was only able to ascertain that the driver was male and there was a passenger.

RO#1 requested back-up and when other police personnel were on scene, police personnel conducted high risk traffic stop. RO#1 along with RO#2 and RO#3 stopped the complainant's vehicle and at gunpoint, directed the complainant out of the vehicle and detained the complainant to further investigate.

RO#3 observed that there were children in vehicle and ordered police personnel to put their firearms away.

RO#1 input the proper license plate into the police computer system and learned the registered owner was CW#1 and the license plate matched the vehicle.

RO#1 released the complainant from custody and explained the situation to the complainant, that their vehicle matched the description of a suspect vehicle in a recent shooting.

The CSPA investigation concluded and found the complaint unsubstantiated.

Unsubstantiated Code of Conduct Allegations

Undermine public trust contrary to section 10(1) of the Code of Conduct, Ontario Regulation 407/23.

Use excessive force contrary to section 11(1) of the Code of Conduct, Ontario Regulation 407/23.

Decision and Reasons

RO#1 observed a vehicle that matched the suspect vehicle in a recent shooting within the region.

RO#1 was acting on information that was inaccurate (incorrect license plate number), but had similar attributes of the suspect vehicle in a shooting - same colour, similar vehicle year but different make and model of vehicle. This information heightened RO#1's attention. RO#1 attempted to view inside the vehicle; however, the vehicle had a dark tint and was only able to ascertain that there was a male driver and female passenger.

RO#1 acting in good faith, that he was following a suspect vehicle in a shooting, requested back up officers to attend RO#1's location.

RO#1, RO#2 and RO#3 followed all Niagara Regional Police Service General Orders for Use of Force for stopping a high risk vehicle and conducting a high risk vehicle stop. They were acting in good faith in efforts to protect the public.

As soon as RO#3 observed there were children in the vehicle, RO#3 ordered all police personnel to put their firearms away. RO#1 conducted a proper police computer search of the complainant's vehicle which revealed the vehicle was in good standing and the complainant was released in a short amount of time.

RO#1 explained to the complainant that the reason for the high risk traffic stop was because the complainant's vehicle matched the description of a suspect vehicle in a shooting.