

**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: 05/09/2024

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 alleged the Respondent Officers used excessive force while apprehending her son during a medical emergency at her residence. It was further alleged the Respondent Officers failed to provide Naloxone to her son at the time of his apprehension and while speaking to the complainant following her son's apprehension, a Respondent Officer spoke to her using a profanity.

The Complainant's son was apprehended under the Mental Health Act. Officers transported him to hospital. It is alleged that upon arriving at the hospital a Respondent Officer told other officers to turn off their Body Worn Cameras (BWC) and then proceeded to use excessive force to restrain her son.

## Unsubstantiated Code of Conduct Allegations

Public-Fail to Care for Prisoner - Sec 9 CSPA Reg. 407/23

Public-Undermine Public Trust - Sec 10 CSPA Reg. 407/23

Public-Unnecessary Force - Sec 11 CSPA Reg. 407/23

Public – Uncivil – Sec 12 CSPA Reg. 407/23

## Decision and Reasons

Public-Fail to Care for Prisoner - Sec 9 CSPA Reg. 407/23

Evidence suggests officers considered the facts and determined Naloxone would not have been an appropriate method of treatment during this situation. This was also supported by [REDACTED] Policy. There are no reasonable grounds to believe Respondent Officers failed to provide required medical assistance to the Complainant's son at the time of his apprehension. Therefore, the allegation of Neglects the health/safety of an individual in custody is unsubstantiated.

Public-Undermine Public Trust - Sec 10 CSPA Reg. 407/23

None of the Respondent Officers had been issued Body Worn Cameras (BWC) on the day in question. The information was relayed to the Complainant by her son who was suffering from a drug induced mental health episode. There are no reasonable grounds to believe the Respondent Officer told other officers to turn off their BWC. Therefore, the allegation of conduct that Undermines Public Trust is unsubstantiated.

Public-Unnecessary Force - Sec 11 CSPA Reg. 407/23

At the residence:

Evidence supports Respondent Officers utilized physical control options while lawfully performing their duties in the apprehension under the Mental Health Act. The Respondent Officers acted on reasonable grounds and applied force that was no more than necessary given the circumstances. There are sufficient grounds to believe their conduct was reasonable, necessary, and proportionate. Therefore, the allegation of Unnecessary Force is unsubstantiated.

At the hospital:

The force used by the Respondent Officers was reasonable, necessary, and proportionate in response to the assaultive and actively resistant behaviour demonstrated by the Complainant's son while entering the hospital. These actions were authorized under Section 25 of the CCC. Officers complied with [REDACTED] Policy Health Facility Transition when they assisted in restraining the male under the direction of medical staff.

Public – Uncivil – Sec 12 CSPA Reg. 407/23

The Respondent Officer had concluded his duties at scene and was preparing to leave when the Complainant approached him unprovoked. The Complainant had used profane language directed at the Respondent Officer throughout the entire physical altercation with her son. The Respondent Officer replied to the Complaint using a profanity within his comment and immediately walked away from the Complainant. The Respondent Officer's conduct, though briefly uncivil, does not rise to the level of misconduct and can be addressed through performance management.