

**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: May 7, 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 arrested, handcuffed and then immediately punched in the face by an officer which required the complainant to get several stitches.

The complainant alleged that the officer then lied and charged him with spitting at him. The complainant stated that a security camera captured the event.

The complainant stated that three officers were present. One assaulted him, one was rude to him and the third was respectful.

The complainant believed that he was assaulted based on his gender/race.

## Unsubstantiated Code of Conduct Allegations

Unnecessary Force - Sec. 11- O.Reg 407/23  
Discrimination- Sec 5- O.Reg 407/23

## Decision and Reasons

### (1) Unnecessary Force-

When officers arrived , they called out to the complainant who exited the residence. The officers noted that the complainant was slurring his words, and there was a strong odour of alcohol. The complainant was arrested for breaching conditions, assault and forcible confinement. While officers were speaking to the complainant he continuously interrupted them and spat towards one specific officer. The complainant was warned not to spit at the officer, however, he spat a second time at the officer. The officer struck the complainant with a closed fist in the mouth to prevent the continuation of the offence of assaulting a peace officer. The complainant was additionally charged with assault peace officer.

-The investigator reviewed officer's report who attended the scene, consulted with Major Crime Branch noting that the officers were lawfully placed and acting in the execution of their duties. The investigator reviewed section 25(1) of the Criminal Code, the Use of Force Directive, the handcuffing, Restraints and spit hood directive, the Ontario Public-Police Interactions Training Aid.

The investigator concluded that the officer was justified in his use of force as a spit hood was not readily available and action needed to be taken immediately. The force applied was minimal, stopped once compliance was gained and properly documented.

### (2) Discrimination-

The complainant stated that one officer was rude and believed he was assaulted as a result of his gender and race. The investigator reviewed he complainants physical descriptors within local records. Numerous attempts were made to contact the complaint once the complaint was received. Without further information from the complainant with regard to how his arrest was influenced by his gender/race, the officers do not have the opportunity to answer to the allegation.