



Toronto Police Service

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Office of the Chief of Police

File Number: -----

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June 28, 2021

Mr. Stephen Leach, Director
Office of the Independent Police Review Director
655 Bay Street, 10th Floor
Toronto, ON M7A 2T4

Dear Mr. Leach:

RE: Public complainants - Faye Stanley et al.

This letter serves as a response to your correspondence dated May 19, 2021 in relation to the Stanley et al. matter. You directed that the Chief of the Toronto Police Service (TPS) to advise you as whether the impugned actions are “serious” or “not serious” in nature.

On May 26, 2021, I advised you that given the passage of time, and the complexities and procedural history surrounding this case, we referred the matter to Professional Standards to review the file, and forwarded the file to an Emergency Task Force expert for tactical and training considerations.

Having the benefit of that additional information, it is my position that while TPS officers are not trained to apply force to the back of the head, the actions of Constable Howes must be considered in the context of a dynamic situation.

When un-armed non-compliant persons are encountered during an entry, the entry team must employ techniques and tactics that allow the entry to continue in as safe a way as possible. Persons that are perceived to be attempting to obstruct a team member’s entry or movements may be taken to the ground and detained there. Further force may be necessary if those persons on the ground are seen as acting in a non-compliant or resistant manner. The importance of compliance is paramount to both detainee and officer safety, as these individuals are not handcuffed until the entire premises is cleared. Officers involved in high-risk entries often are equipped with weapons such as long guns, which are secured using a sling around neck of the officer, which is a further

consideration to ensuring that persons are detained on the ground keeping them away from the reach of these weapons. Furthermore, attempted assaults, escapes, and attempts to conceal evidence are common in these scenarios.

O.I.P.R.D. investigators made assessments based upon first hand information and evidence gathering. In particular, they made credibility assessments. Our opinion is that this was a dynamic situation. The tactic employed was employed in response to that dynamic situation; it should be addressed as a training issue and not as a discipline issue. The Office of Director, having had the benefit of the first hand accounts, may well have a different position.

For these reasons, having reviewed the entirety of the file, the Chief is of the view that this matter does not represent either serious or non-serious misconduct. Rather, the actions of the officer represent a training issue, which can be remediated internally, especially given the passage of time (seven years) since the incident occurred with no subsequent disciplinary allegations against him.

Thank you for allowing us the opportunity to review and respond accordingly.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Alexandra Ciobotaru', with a long horizontal flourish extending to the right.

Alexandra Ciobotaru
Counsel