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**PRESS ADVISORY**

**Off-Duty Officer Found Guilty of Assault of Young Brampton Man**

**November 28, 2024**

On November 27, 2024, Justice Jennifer Woollcombe (“Justice Woollcombe”) of the Ontario Superior Court of Justice released her decision, finding Toronto Police Service Constable Calvin Au (“Constable Au”) guilty of assault in respect of Chadd Max Facey (“Chadd”), but not guilty of the offence of assault causing bodily harm.

Constable Au and his partner, Constable Gurmakh Benning (“Constable Benning”), were off duty on April 26, 2021, and met up with Chadd in Brampton, to purchase an Apple watch that Chadd had posted for sale on Kijiji.

Following the sale of the watch, Constables Au and Benning alleged the watch was a fake, and they pursued Chadd, both on foot and in their vehicle. Constable Benning had his money returned to him before Constable Au tackled Chadd to the ground. Following this assault from Constable Au, Chadd’s friends described him as weak, panting and out of breath, and they brought him home. When Chadd arrived home his family noticed a bump on his head, and he seemed to be in an out of consciousness. Chadd was transported to Brampton Civic Hospital by ambulance, where he died shortly after, in the late hours of April 26, 2021.

The judgment of Justice Woollcombe came after six (6) days of trial proceedings in the matter, which began on September 23, 2024, and ended on October 2, 2024.

Chadd’s mother, Fay Fagan, commented on the verdict saying:

“This experience has been long and frustrating for our family. No decision will ever bring Chadd back to us. This is something that our family deals with everyday – the loss of Chadd. While Constable Au was convicted of assaulting Chadd – this is not the verdict that we had hoped for. However, the findings that the Judge made about Constable Au, his actions and his testimony bring me hope that Constable Au will continue to be held accountable for his actions that day.”

Chadd’s sister, Renae Facey, stated after the verdict:

“This process has been a long and hard one for my family. We spent so much time not really knowing what happened to Chadd. It was difficult to sit in the courtroom and listen to what happened to Chadd that day in 2021. I am happy that the Judge has convicted Constable Au, holding him accountable for his actions. Even though he was found not guilty of the assault causing bodily harm, we continue to push for justice for Chadd and remember him everyday.”



Legal Counsel for the family, Asha James of Falconers LLP, said:

“This has been a long and stressful process for Chadd’s family, and they know that no decision will ever bring Chadd back or make things okay. The family respects the decision of the Court, but of course they were hoping for more.

However, for the Court to recognize that the actions of Constable Au were not only wrong, but criminal, demonstrates that even off-duty police officers cannot abuse their power and authority.

Chadd was a young man who had his whole life in front of him but his life ended in the hours following this interaction with Constable Au. This is only one step in his family’s fight for accountability and they will continue to push for consequences for both Constable Au and Constable Benning for their conduct.”

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