

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: 06/08/2024

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 involved in a domestic incident with an ex-spouse involving custody issues with their children. Police were called to keep the peace. The complainant alleged that they were assaulted during the interaction with their ex-spouse.

The complainant alleged that the attending officers and officer at the police station failed to believe the assault occurred and ignored evidence failing to complete a thorough investigation.

Unsubstantiated Code of Conduct Allegations

Allegation 1 – CONDUCT UNDERMINES PUBLIC TRUST – Section 10 of Ontario Regulation 407/23

Allegation 2 – NEGLECTS TO DO DUTY – Section 19

Decision and Reasons**Allegation 1 – CONDUCT UNDERMINES PUBLIC TRUST – UNSUBSTANTIATED**

Officers reviewed audio recordings, photographs and witness interviews determined that no assault occurred and explained their reasonings to the complainant. An investigative report was submitted and reviewed by an investigator who also determined that no assault occurred.

The ex-spouse who had lawful custody of the children asked the complainant to leave the property and when the complainant failed to leave and continue to disturb the peace by banging on the ex-spouse's door in the early morning hours, the ex-spouse stepped in front of the complainant and grabbed complainant's arm to stop them from banging on the door. No injuries occurred and the ex-spouse was only preventing the complainant from disturbing his residence.

Allegation 2 – NEGLECTS TO DO DUTY – UNSUBSTANTIATED

The respondent officers attended the original call made by the ex-spouse to keep the peace for a domestic incident. The officers followed domestic related incident procedures and spoke with both the complainant and the ex-spouse. Once an allegation of assault was made by the complainant, the officers reviewed all the evidence at the time and determined that an assault did not occur and explained their reasonings to the complainant. The complainant was not satisfied with their investigation resulting in the complaint. The officers relied on section 27 of the Criminal Code - justifying use of force to prevent the commission of an offence.

Officers reviewed audio recordings, photographs and interviews that led them to citing section 27 of the Criminal Code.