

**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: [REDACTED] Date of Complaint: 08/12/2024

Type of Investigation:

Referred to Same Service:  Referred to Other Service:  Retained by LECA:

Service Investigations Referred to:

### De-identified Summary of Complaint

On January 19, 2021, while in custody for an unrelated matter, the Complainant (Compl) reported he was a victim of an assault, committed by Civilian Witness One (CW1). Compl provided an audio/video statement to Respondent Officer One (RO1) in relation to the allegation. RO1 failed to create an [REDACTED] occurrence and properly lodge the DVD of the statement, resulting in it being misplaced. In 2023, Compl learned the [REDACTED] no longer possessed the statement.

On September 28, 2023, Compl lodged a public complaint, E-[REDACTED], with the OIPRD as a result of this incident.

PSU investigated this and substantiated misconduct on RO1, which was dealt with informally. The file number associated to this investigation was [REDACTED]. RO2 and RO3's conduct were also investigated with no misconduct identified. The PSU report was completed on February 5, 2024.

At the completion of the initial PSU investigation, [REDACTED] was notified by PSU about the lack of information related to the assault investigation. [REDACTED] assigned a new investigator to investigate the matter fully. Compl declined to participate with this investigation as he had filed a private information which was before the courts in relation to the assault allegation.

On February 16, 2024, PSU provided Compl with a copy of the report and a closing letter advising of the findings.

Compl was fully aware of the outcome of his complaint over three months before he lodged this duplicate complaint with LECA on May 30, 2024.

Unsubstantiated Code of Conduct Allegations

Neglect of Duty – Sec. 2(1)(c) PSA Reg. 268/10

Decision and Reasons

This complaint was deemed unsubstantiated due to the fact the Compl lodged this duplicate complaint to one previously lodged. The previous complaint was substantiated. The duplicate complaint was deemed unsubstantiated because it was already dealt with.