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: 11/19/2024

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 attended headquarters to report a fraud offence. RO1 met with the complainant, assessed the complaint, advised that the elements of the offence were not met and the offence occurred outside of Canada, thus limiting the investigation. The complainant requested to speak with another officer to which RO2 was invited to speak to the complainant. The complainant left the police station unsatisfied with the lack of investigation and the conduct of RO1.

RO1 submitted a police report outlining the fraud allegations in depth as well the reasons for not continuing the investigation. A further investigation of the fraud allegations was conducted by the Police Service and later referred to the domiciled law enforcement agency out of country. The complainant was provided a final conclusion to that fraud investigation by the Police Service.

The complainant initiated a LECA complaint alleging that officers had neglected their duty to investigate and in the case of RO1 there was conduct that undermined the public trust as that officer was condescending and unprofessional. LECA referred the complaint back to the Police Service to investigate.

An attempt to resolve all issues with the cooperation of the complainant was unsuccessful. An investigation into all allegations was taken on by a senior officer within the Service.

All three allegations were deemed unsubstantiated as the Police Service had exhausted all avenues to investigate the fraud allegations and there was no basis to consider RO1's conduct to undermine the public trust.

Unsubstantiated Code of Conduct Allegations

1. Conduct that Undermines the Public Trust- Section 10 of Ontario Regulation 407/23 made under the Community Safety and Policing Act, 2019. (RO1)

2. Failure to perform their duties without lawful excuse - Section 19 of Ontario Regulation 407/23 made under the Community Safety and Policing Act, 2019. (RO1)

3. Failure to perform their duties without lawful excuse - Section 19 of Ontario Regulation 407/23 made under the Community Safety and Policing Act, 2019. (RO2)

Decision and Reasons

1. Conduct that Undermines the Public Trust- Section 10 of Ontario Regulation 407/23 made under the Community Safety and Policing Act, 2019. (RO1)

RO1 spent 45 minutes actively listening to the complainant despite knowing early on that the elements of the offence did not afford reasonable grounds while also identifying the investigative limitations with the alleged offences taking place outside the country. The officer had a duty to explain the reasons not to proceed further with an investigation which did not align with the expectations of the complainant. When asked to supply another officer, RO1 did that without hesitation, to ensure a second opinion was available. RO2, who worked in a specialized area of the Police Service was introduced to the complainant. RO1 filed a fulsome report to ensure the allegations and history of the complaint were properly documented. RO1 in response to the conduct allegations advised that there was no intention to offend, only to communicate the opinion of the officer. -unsubstantiated

2. Failure to perform their duties without lawful excuse - Section 19 of Ontario Regulation 407/23 made under the Community Safety and Policing Act, 2019. (RO1)

The fraud investigation was furthered by the Police Service based on the report of RO1. A payment entity outside of Canada refused to provide information based on an Ontario issued production order (limitations of the investigation) and the law enforcement of jurisdiction outside Canada deemed the matter civil (no reasonable grounds). RO1 and the Police Service fulfilled all duties required to investigate. -unsubstantiated

3. Failure to perform their duties without lawful excuse - Section 19 of Ontario Regulation 407/23 made under the Community Safety and Policing Act, 2019. (RO2)

The fraud investigation was furthered by the Police Service based on the report of RO1 and supplementary report of RO2. RO2 also facilitated the further investigation of the complainant's fraud allegations by moving the complainant's dissatisfaction to the administration of the Police Service. This led to further steps to investigate the fraud allegations which were brought to a final conclusion. -unsubstantiated