[redacted]

Law Enforcement Complaints Agency Ontario

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: 12/09/2024

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, indicated that she was assaulted at her home. The assault allegedly consisited of her hair being ripped out and her being punched, causing a misscarriage.

Reportedly, several officers, including the subject officer attended the scene. During the interaction, the complainant indicated that the subject officer refused to speak with her and threatened to arrest everyone. In the end, no one was arrested.

After the incident, the complainant attempted to follow up witht the subject officer via email but alledges he never responded.

Unsubstantiated Code of Conduct Allegations

Allegation: Neglect of Duty, Section 19, Community Safety and Policing Act

Without lawful excuse, neglects or omits promplty and diligently to perform a duty as a memeber of a police force of whcih the officer is a member.

It is alleged that the officer was neglectful in his duties when did not arrest the person(s) involved in an alledged assault and subsequently did not respond to emails from the complainant.

Decision and Reasons

There has been an allegation of Neglect of Duty by the subject officer. This allegation can be split into two part; the lack of action taken by the officer at the time of the incident on May 4, 2024 and the subsequent follow up via email wtih the complainant.

The invesgitator has reviewed the general occurrence report submitted in relation to the initial call regarding the neighbour dispute submitted by the subject officer. It indicates that after interacting with all parties involved and reviewing all the information provided that by all accounts the involved parites became involved in a concensual fight.

The investigator reviewed relevant [redacted] policy in relation to this complaint and found the subject officer compliant with these policies.

Further; the investigator had occasion to review the general occurrence reports submitted by witness officers, as well as photo and video evidence submitted by the complainant. The picture and subsequent utterances of the complainanat heard on the video do not seem consistant with being assaulted. There is no doubt that the complainant and another female became involved in a physical confrontation directly related to their partners being involved in the same activity.

The investigator reviewed section 265 of the Criminal Code which constitutes the threshold that must be established prior to a police officer laying a criminal charge of assualt. This is a common law distinction that the Supreme Court of Canada reenforces, rooted in objective fact that goes beyond mere suspicion.

The investigator has occassion to speak with [redacted] court laisionstaff working at the Ontario Court of Justice [redacted] and confirmed through court records that the complaint has on an intake list scheduled to speak with the Justice of the Peace. It is unknown the context of the conversation between the complainant an the Justice however the court liasion officer confirmed there was no private information laid on behalf of the complainant. Court staff indicate to do so the complainant would require police reports and statements in relation to the alligation which could explain her attendance of June 8th, 2024.

Upon review of the available evidence the investigator concours with the subject officers assessment of the occurrence that there was a fight between consenting adults and there were no grounds to believe an assault occurred.

The second part of the allegation relates to the complainants alleging that the subject officers was unresponsive to her emails.

The investgiator reviewed the email thread provided and found that the complainant indicated in an email on May 22, 2024 that she understands that the police did not what to press any charges and then inquired about the process of pressing her own charges. After some further inquiries the subject officer responded on May 29th, 2024 giving the complainant direction on how to proceed with a private procesution. There was no further correspondence between the two until June 8th which was initiated by the complainant, to which the subject officer responded on June 12, 2024. There were two further emails sent to the subject officer between June 12th - 19th, 2024 and scheduling software confirms that the officers responded on the first scheduled day upon recieving the email. Two more emails were sent from the complainant to the subject officer in July at which the officer had been reassigned and wasw on modified duties with direction not to become involved in complex investigation.

The investigator finds the during the review of all the evidence that the complainant understates her involvement. Further, her credibility is questionable, given her lack of reference to the fact that she had the female suspect in a headlock and while doing so uttered, "I should have knocked you the fuck out".

Base on review and analysis of the evidence the investigation has determined that there is not clear and convinving evidence to support that the subject officer was neglectful in his duties when investigating the alleged assault and during the subsequent email exchanges with the complainant.

It has been concluded that the alligation is unsubstantiated.