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: 08/04/2024

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 reported a sexual assault to police on [redacted] the complainant attended the police station and met with the respondent officer, who was assigned as the lead investigator.

While participating in the video interview the complainant felt the respondent officer was not using a trauma-informed approach, which made her feel small and unable to tell her experience. On two occasions the complainant advised she had to correct the respondent officer when he softened her verbage in his summation of her statement.

On [redacted] the complainant attedned the police station for a meeting with a social service when she was advised by the respondent officer that he did not feel sufficient grounds existed for a charge, and that he would be closing the investigation. The complainant countered that it was her right to have a full investigation, with her witnesses being spoken to.

The complainant alleged that the respondent officer was negligent in his duties, and that his actions would undermine the public's trust in policing.

Unsubstantiated Code of Conduct Allegations

Allegation # 1 Undermining Public Trust CSPA O/Reg. 407-23 section 10

Allegation # 2 Neglect of Duty CSPA O/Reg. 407-23 section 19

Decision and Reasons

Allegation # 1

Upon receipt of the complaint a statement was obtained from the respondent officer, along with the officers designated as witnesses in this case. The Police occurrence report was reviewed in its entirety, along with the video interview which was conducted on [redacted]

A recent 2024 publication from the Canadian Association of Chiefs of Police on trauma informed response was utilized to analyse the video interview conducted by the respondent officer. While no interview is ever conducted in a perfect manner, the respondent officer did utilize several components of the trauma informed interviewing techniques. The respondent officer clearly explained the interview process, and voluntariness of the statement. The officer also practiced active listenning, providing reassuarance to the complainant when needed. Most questions were open ended, and the respondent officer made attempts to allow the complainant to speak without interuption.

In the complainants initial complaint it was mentioned that on two occasions the officer needed to be corrected when verbiage was changed. In review of the video this only happened on one occasion, with the respondent officer apologizing and transitioning to the appropriate language. the second incident which occured just over a minute later the respondent officer actually caught himself saying the wrong word, and corrected himself almost immediately.

The case of Silverman v Ontario Provincial Police (2017) provided the test for general discreditable conduct that ultimately effects the publics trust in policing. The analysis determined that with the evidence available insufficient grounds existed to substantiate any finding of misconduct on the Respondent Officer.

Allegation # 2

To review the second allegation I reviewed police policy and procedure, specifically the Criminal Invesigation management plan order, and sexual assault investigation order which apply to this