

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: 12/18/2024

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 alleges that the respondent officer committed two counts of misconduct including: Conduct Undermines Public Trust, and Neglect To Do Duty. Specifically, it is alleged that the officer fabricated evidence leading to a traffic stop and the issuance of two charges under the Highway Traffic Act related to stunt driving. As a result of these charges, the complainant's driver's license was administratively suspended, and their vehicle was impounded.

On February 11 , 2024, the Law Enforcement Complaints Agency (LECA) sent correspondence to [redacted] to investigate the allegations made by the complainant. Subsequently, the PSB commenced an investigation into the conduct of the responding officer.

Based on the review and analysis of the totality of evidence, the PSB investigation has determined that there is insufficient evidence to establish that misconduct occurred as it relates to Conduct Undermines Public Trust, and Neglect To Do Duty. As a result, these allegations have been unsubstantiated.

Unsubstantiated Code of Conduct Allegations

Allegation #1 – CONDUCT UNDERMINES PUBLIC TRUST: Section 10 CSPA, 2019

CONDUCT UNDERMINES PUBLIC TRUST, in that a police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing. It is alleged that the respondent officer fabricated evidence against the affected party, and conducted himself in a way that undermines public trust in policing.

Allegation #2 – NEGLECT TO DO DUTY: Section 19 CSPA, 2019

NEGLECTS TO DO DUTY, in that a police officer shall not, by act or omission, fail to perform their duties appropriately without lawful excuse if, at the time, they know or reasonably ought to know that their act or omission would amount to a failure to perform their duties appropriately.

It is alleged that the respondent officer fabricated evidence against the affected party, unlawfully laid charges against them, and neglected to perform their duties appropriately.

Decision and Reasons

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It is alleged that the respondent officer fabricated evidence against the affected party, unlawfully laid charges against them, and neglected to perform their duties appropriately.

At the time of the event, the responding officer activated they're In Car Camera (ICC) system, which recorded the investigation leading up to the traffic stop and the subsequent interaction.

Based on the review and analysis of the totality of evidence, the PSB investigation has determined that there is insufficient evidence to establish that misconduct occurred as it relates to Conduct Undermines Public Trust. The respondent officer's observations and narration during the ICC recording provide a credible and reliable record of the incident. The absence of the vehicle in certain portions of the ICC recording is reasonably explained by technical and environmental factors and does not undermine the integrity and or validity of the respondent officers conduct, and or actions.

Based on the review and analysis of the totality of evidence, the PSB investigation has determined that there is insufficient evidence to establish that misconduct occurred as it relates to Neglect To Do Duty. The ICC recording is a valuable tool; however, it is not a substitute for the objective observations, and subjective experiences of the subject officer. A video camera and its recording are limited in its field of view, depth perception, and resolution in comparison to the human experience. The ICC recording does not provide the subjective interpretation of the subject officer. The subject officer's full range of evidence, perspective, and real time observations including his narration during the ICC recording, were valid, appropriate, and objectively reasonable.

As a result, these allegations have been unsubstantiated.