

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: 12/26/2024

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 a police officer witnessed him being assaulted on July 31, 2024, and was neglectful in failing to act on the assault. The Complainant further alleges he attempted to report the assault on December 26, 2024, and the Respondent Officer(s) were rude, dismissive, and neglectful by not conducting a fulsome and thorough investigation.

The Complainant further alleges that the Respondent Officers did not believe him due to his mental health diagnosis.

Unsubstantiated Code of Conduct Allegations

Allegation #1

Interactions with the Public

Section 12(1) It is alleged that the Respondent Officer(s) committed misconduct in that, they used abusive language, or treated any person in a manner that was abusive, contrary to Section 12 (1) of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195 (a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

Allegation #2

Performance of Duties

Section 19 It is alleged that the Respondent Officer(s) committed misconduct in that, by act or omission, they failed to perform their duties appropriately without lawful excuse, that they knew, or reasonably ought to have known would amount to failure to perform their duties appropriately, contrary to Section 19 of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195 (a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

Allegation #3

Human Rights and the Charter

Section 5(1) It is alleged that the Respondent Officer(s) committed misconduct in that, in the course of your duties, they treated any person in a manner that, at the time, they knew or reasonably ought to have known, would contravene the Human Rights Code, contrary to Section 5(1) of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195 (a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

Decision and Reasons

Allegation #1

Interactions with the Public

Section 12(1) You are alleged to have committed misconduct in that, you used abusive language, or treated any person in a manner that was abusive, contrary to Section 12 (1) of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195 (a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

- It is alleged that on December 26, 2024, The Respondent Officer treated the complainant in an abusive manner by being rude and dismissive.

Finding: This investigation has revealed the officer was in the lawful performance of their duties and acted in accordance with all governing authorities.

Review of BWC confirms that RO1 was respectful and professional throughout their interaction with the Complainant.

Based on the available information, the Investigator has concluded that there is insufficient evidence to establish reasonable grounds that misconduct has occurred.

Therefore, the allegation is unsubstantiated.

Allegation #2

Performance of Duties

Section 19 You are alleged to have committed misconduct in that, by act or omission, you failed to perform your duties appropriately without lawful excuse, that you knew, or reasonably ought to have known would amount to failure to perform your duties appropriately, contrary to Section 19 of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195 (a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

- It is alleged that on December 26, 2024, the Respondent Officers were negligent in conducting a thorough investigation

Finding: This investigation has revealed the officers were in the lawful performance of their duties and acted in accordance with all governing authorities.

The Respondent Officers conducted a thorough investigation of the allegation of assault that occurred 5 months prior. The Complainant was unable to provide any physical evidence to establish Reasonable Grounds that an assault had occurred.

Based on the available information, the Investigator has concluded that there is insufficient evidence to establish reasonable grounds that misconduct has occurred.

Therefore, the allegation is unsubstantiated.

Allegation #3

Human Rights and the Charter

Section 5(1) You are alleged to have committed misconduct in that, in the course of your duties, you treated any person in a manner that, at the time, you knew or reasonably ought to have known, would contravene the Human Rights Code, contrary to Section 5(1) of the Code of Conduct of Ontario Regulation 407/23 and therefore, contrary to Section 195 (a) of the Community Safety Policing Act, R.S.O. 2019, as amended.

- It is alleged that on December 26, 2024, the Respondent Officers did not conduct a thorough investigation based on the Complainant's disability.

Finding: This investigation has revealed the officers were in the lawful performance of their duties and acted in accordance with all governing authorities.

The Respondent Officers conducted a thorough investigation of the allegation of assault that occurred 5 months prior. The Complainant was unable to provide any physical evidence to establish Reasonable Grounds that an assault had occurred. At no time was the Complainant's disability relevant to the investigation, nor was it considered during the investigation.

Based on the available information, the Investigator has concluded that there is insufficient evidence to establish reasonable grounds that misconduct has occurred.

Therefore, the allegation is unsubstantiated.