

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: 11/13/2024

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 alleged her daughter has called police multiple times to report being harassed by their neighbor and that police did not complete a proper investigation. The complainant also attempted to speak to a supervisor, but a supervisor never contacted her.

Unsubstantiated Code of Conduct Allegations

Duty-Neglect or Omit - Sec 19 CSPA Reg. 407/23

Decision and Reasons

During the investigation, no objective evidence was provided to substantiate the complainant's allegations that S1 had been following her or had instructed others to do so. The claims appeared to be based solely on the complainant's subjective feelings and perceptions, with no supporting or corroborative information to verify these concerns. Although the complainant provided evidence to officers, including video surveillance, this material, if anything, appeared to exonerate S1 rather than support the allegations of harassment.

In this case, both investigating officers stated in their reports that they lacked sufficient grounds to lay criminal charges. In Canada, the decision to charge someone is based on whether the officer has reasonable grounds to believe a crime was committed. This belief must be supported by facts yet allows for some degree of judgment. The Supreme Court of Canada affirmed this principle in *R. v. Storrey*, [1990] 1 S.C.R. 241, underscoring that officers must rely on the information available to them at the time.

Since S1's actions were consistent with lawful behavior, they do not meet the legal definition of criminal harassment under section 264 of the Criminal Code.

In this case, RO1 and RO2 conducted their investigations in accordance with established policies and expectations, and the allegations against them are deemed unsubstantiated.

While RO3 did not respond directly to the complainant as requested, he took appropriate steps by connecting the complainant to mental health services, addressing an identified need. Consequently, his actions do not amount to misconduct, although not best practice.