

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:

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 [REDACTED] officer, Respondent Officer 1 had refused to respect her custodial rights over her daughter, [REDACTED]. Respondent Officer 1 refused to provide the address where her daughter was with her aunt. Complainant attended [REDACTED] Police Service to complain again and Respondent Officer 2 scolded the complainant for filing a duplicate report, rather than listening to her, and had agreed with Respondent Officer 1's decision.

The complainant also alleges Respondent Officer 3 threatened to charge her with criminal harassment because she called for a wellness check on her daughter. Respondent Officer 3 laughed and said, 'Trust me, you're not a victim.' Respondent Officer 3 questioned the complainant, 'Why does your daughter keep running away from home? This is the second time, it sounds like something is going on there, she clearly doesn't want to be there'. Also, within this second complaint, the complainant references a call of domestic violence that was investigated by Respondent Officer 4, and the investigation was supported by their supervisor, Respondent Officer 5. The complainant indicates they were berated by Respondent Officer 5 over the telephone.

Unsubstantiated Code of Conduct Allegations

Allegation 1 – Conduct Undermines Public Trust Sec. 10(1) CSPA Ont. Reg. 407/23

A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.

Allegation 2 – Neglects to do Duty Sec. 19 CSPA Ont. Reg. 407/23

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.

Decision and Reasons

Respondent Officer 1 completed a thorough investigation adhering to legal authorities such as the Child Youth and Family Services Act, 2017, as well as the Service policies. The complainant did not wish to accept the officer's final decision. The two allegations against Respondent Officer 1 were unsubstantiated.

Respondent Officer 2 also faced the two above allegations, however, there was no corroborating evidence to support either of the allegations. The threshold for misconduct under 'Neglects to do Duty', with the case law in Paul Ceyssens 'Legal Aspects of Policing', the threshold could not be met. The second allegation of 'Conduct Undermines Public Trust', Respondent Officer 2 completely refutes the claim of "scolding" the complainant and further indicates the complainant abruptly hung up and ended the call while respondent officer 2 was attempting to explain the authorities and the situation to them.

Respondent Officer 3 did not threaten the complainant with criminal harassment for calling in a 'check on the well-being' complaint, but was responding to a criminal harassment complaint by the aunt where the complainant's daughter was residing. Respondent Officer also denies making the comments which was alleged by the complainant. There was no corroborating evidence to support either allegation, therefore, both were unsubstantiated.

Respondent Officer 4 adhered to the legal authorities such as the Criminal Code of Canada and the powers of arrest, as well as the Service policies. Respondent Officer 4 did a complete and thorough investigation which was supported by the supervisor, a Staff Sergeant. There is no supporting evidence towards either allegation, therefore both unsubstantiated.

Respondent Officer 5 had conversation with the complainant over the telephone and their notes and memorandum provided clearly refute the claims made by the complainant. As well, the complainant hung up on Respondent Officer 5 because they were not hearing what they wanted to hear. There is no supporting evidence towards either allegation, therefore both unsubstantiated.