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: 02/19/2025

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 the respondent office failed to conduct a thorough investigation and failed to take appropriate enforcement action due to a perceived conflict of interest. The complainant further alleged that the respondent officer failed to act on a freedom of information (FOI) request.

Unsubstantiated Code of Conduct Allegations

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

Decision and Reasons

The complainant alleged that the respondent officer did not conduct a thorough investigation or lay appropriate charges. However, after an extensive review of the RMS and discussions with the Crown Attorney, it was evident that the respondent officer completed a comprehensive investigation.

In Canadian law, police officers are allowed to use their own judgment when deciding if there are reasonable grounds to take action. When the respondent officer decided not to lay charges, it was because, based on his experience and the evidence, he felt that the situation did not meet the legal requirements for harassment. The investigation did not find any repeated, deliberate behavior that would make the complainant reasonably fear for her safety. The Crown Attorney's review reiterated that the legal standard for criminal harassment, or any criminal charge, was not met, which justified not moving forward with charges.

The complainant further alleged that the respondent officer did not lay appropriate charges when dealing with her complaints because of her perceived conflict of interest. Ontario Regulation 381/07: Conflict of Interest Rules for Public Servants says a conflict only arises when a person's personal interests could affect their ability to do their job fairly. In this case, the respondent officer's children attending the same school as the involved parties did not create a conflict of interest. In small communities, it is common for police officers' children to attend the same schools as others in the community, and this does not automatically impact their professional decisions. Additionally, the respondent officer had no personal relationship with the complainant or the neighbours, so his professional judgment was not affected by this connection.

The complainant further alleged that the respondent officer withheld information resulting in the denial of her FOI request. The decisions to grant or deny FOI requests are made independently by the FOI office in accordance with the applicable legislation and regulations. There are several reasons why an FOI request may be denied; however, any denial of the complainant's request would have been based on considerations made by the FOI office, not by the respondent officer.PSU reviewed the entire reported history on Niche RMS and confirmed that when the