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: 04/17/2025

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 was arrested and charged with various Criminal Code offences following an investigation into an intimate partner violence investigation conducted by the respondent officers. The complainant alleged that the respondent officers did not develop the requisite grounds to believe the complainant had committed the offences for which they were arrested and charged.

The complainant further alleged the respondent officers failed to properly investigate their complaint that they were a victim of intimate partner violence and further that the respondent officers failed to investigate the allegation that the complainant's intimate partner had endangered the health of the child from the relationship and unlawfully withheld that child from the complainant.

Finally the complainant alleged that the respondent officers conducted themselves in a manner that undermined public trust in policing when they arrested and released the complainant on a condition that prevented the complainant and the child of the relationship from returning to the family home.

Unsubstantiated Code of Conduct Allegations

The following Code of Conduct allegations contrary to Ontario Regulation 407/23 Code of Conduct For Police Officers were investigated,

Section 7- Unlawful Arrest
Section 19 - Neglect to perform a Duty
Section 10 - Conduct that Undermines Public Trust

Decision and Reasons

The complainant alleged the responded officers did not have reasonable grounds to believe the complainant had committed the Criminal Code offences for which the complainant had been arrested. The charges stemmed from an intimate partner violence investigation. The complaint investigation revealed the respondent officers were found to have acted within the lawful execution of their duties when they arrested and charged the complainant. The respondent officers followed the applicable section(s) of the procedure LE-027 "Responding to Domestic Violence Occurrences" in place at the time. The actions of the respondent officers were analyzed in light of R. v. Storrey, CanLII 125 (SCC), [1990] and found to be in line with that decision.

The complainant further alleged the officers neglected to perform a duty in that they failed to investigate the complainant's claim they had suffered domestic violence and that the complainant's intimate partner had withheld and endangered the safety of the child of the relationship. The investigation into this aspect of the complaint revealed that the respondent officers did gather evidence from the complainant once the complainant had exercised their Charter Right to counsel. Following a Crown consult the domestic violence investigation moved through the court system as a dual charge which concluded when both parties entered into a Criminal Code section 810.(1) Peace Bond. Again the responded officers were found to have complied with procedure LE-027 "Responding to Domestic Violence Occurrences" in place at the time. The actions of the respondent officers were analyzed in light of R. v. Prosper, 1994 CanLII 65 (SCC), [1994] 3 SCR 236 and found to be in line with that decision.

Finally, the complainant alleged that the respondent officers conducted themselves in a manner that would undermine public trust in policing when they released the complainant on a condition that prevented the complainant from returning to the residence shared with the complainant's intimate partner. The investigation analyzed the actions of the respondent officers and found them to adhere to section 493.1 of the Criminal Code as well as the police service's procedure LE-027 "Responding to Domestic Violence Occurrences" in place at the time. The actions of the respondent officers were analyzed in light of Toy v. Edmonton Police Service, 2014 ABCA 353 (CanLII) and found to be in line with that decision.