

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: [REDACTED]

Date of Complaint: 03/21/2025

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 alleges he was assaulted and harassed by an individual arising out of a road-rage incident. He further contends that the Respondent Officers failed to properly discharge their duties by declining to lay criminal charges and by refusing to provide him with the necessary identifying information regarding the individual, thereby preventing him from pursuing a private information.

Additionally, the Complainant alleges that, as a result of his repeated inquiries concerning the incident, the Respondent Officers engaged in conduct intended to intimidate and harass him, including following him to his residence and subjecting him to a sobriety assessment.

Unsubstantiated Code of Conduct Allegations

Neglect of Duty - Sec. 19 CSPA O. Reg. 407/23
Conduct Undermines Public Trust - Sec. 10(1) CSPA O. Reg. 407/23

Decision and Reasons

After conducting an investigation, Respondent Officer 1 determined that there were insufficient reasonable and probable grounds to support the laying of a criminal charge. Instead, a verbal warning was issued to the involved individual.

The Complainant subsequently attempted to initiate a private prosecution against the involved party but was unable to proceed due to a lack of identifying information. When the Complainant requested this information from Respondent Officer 2, the request was denied on the basis of privacy legislation, specifically the Freedom of Information and Protection of Privacy Act (FIPPA).

After engaging with Respondent Officer 2, the Complainant returned home. Upon his arrival, he was stopped by Respondent Officer 3, who conducted a sobriety check. This action was based on information relayed to Respondent Officer 3 indicating that the Complainant may have smelled of alcohol before departing police facilities. The Complainant displayed no signs of impairment, and it was determined that he was fit to operate a motor vehicle.

Respondent Officer 1 conducted a thorough and reasoned investigation. In the absence of corroborating evidence or witnesses, there were no reasonable and probable grounds to support the laying of a criminal charge.

Respondent Officer 2 appropriately withheld the release of the other party's personal information, as there was no lawful basis under applicable privacy legislation to provide it.

Respondent Officer 3 acted in good faith by conducting a sobriety check in response to information received. This action was consistent with Greater Sudbury Police Service Procedure TRF 001 and legally supported under Section 320.27(2) of the Criminal Code of Canada (Testing for Presence of Alcohol or Drug).

The allegations of 'Neglect of Duty' and 'Conduct Undermining Public Trust' were found to be unsubstantiated.