

**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 alleged that the respondent officer failed to properly assess evidence when investigating a sexual assault.

## Unsubstantiated Code of Conduct Allegations

Allegation #1: Performance of Duties - Neglect to do Duty - S. 19 CSPA

### Decision and Reasons

The complainant reported being the victim of sexual assault and provided the respondent officer with information they believed proved the allegation.

The respondent officer investigated the allegation, but did not form reasonable grounds to lay a charge based on an uncertain circumstance whereby consent of the complainant was given, withdrawn, given, withdrawn, given and finally withdrawn during a three part sexual transaction that occurred after other consensual sexual acts over the course of night.

The respondent officer followed the police service's procedure for investigating sexual assaults and applied the facts of the case to relevant case law as well as the Criminal Code of Canada.

**CONCLUSION:** The Chief did not have reasonable grounds to believe that the actions of the respondent officer constituted misconduct.