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 the Respondent Officer (RO) conducted a negligent investigation resulting in the complainant's unlawful arrest for threatening Civilian Witness (CW) 1's dog and CW2. The complainant alleged the RO did not have sufficient grounds to arrest them. The complainant alleged the RO failed to consider relevant factors such as the history of disputes between the RO and CW2, and that CW1, CW2, and CW3 colluded on their evidence. The complainant alleged the RO failed to consider the complainant's side of the story prior to laying charges.

The complainant alleged the RO targeted them for selective enforcement and charged them prematurely because of the RO's personal relationship with CW1 and CW2, and because the complainant had previously filed a complaint with LECA about the RO. The complainant alleged the RO ran a red light trying to look at them, which they believed was evidence of a vendetta held by the RO.

The complainant alleged that the RO phoned them to discuss turning themselves in, and during one of the phone calls the RO refused to provide their badge number and used profane language directed at the complainant and CW4.

Unsubstantiated Code of Conduct Allegations

Allegation 1 - Duty-Neglect or Omit – Sec 19 CSPA Reg. 407/23
Allegation 2 - Public-Unlawful Arrest – Sec 7 CSPA Reg. 407/23
Allegation 3 - Public-Undermine Public Trust – Sec 10 CSPA Reg. 407/23
Allegation 4 - Public-Uncivil – Sec 12 CSPA Reg. 407/23
Allegation 5 - Public-Conceal Identity – Sec 13 CSPA Reg. 407/23

Decision and Reasons

Allegation 1 - Duty-Neglect or Omit – Sec 19 CSPA Reg. 407/23,

The RO's investigation was reviewed, including audio statements taken from CW1, CW2, and CW3. The history of disputes was disclosed during CW1 and CW2's statements and was considered by the RO in their analysis of the grounds for charges. The history provided context as to why CW1 and CW2 took the threats seriously and feared for their safety. There was no evidence that CW1, CW2, and CW3 colluded in their statements. The complainant was provided the opportunity to provide their side of the story post arrest but chose not to.

Allegation 2 - Public-Unlawful Arrest – Sec 7 CSPA Reg. 407/23

The complainant's alleged behavior was compared to the offence of uttering threats set out in section 264.1 of the Criminal Code (CC) and met the elements of the offence. The grounds provided in the witness statements were considered in context of case law including R v Clemente (1994, SCC), R v Storrey (1990 SCC) and R v AG (2000 SCC) and it was determined there were reasonable grounds for the RO to arrest the complainant. It was also noted that the complainant admitted to LECA, Professional Standards, and to Witness Officer (WO) 1 that they had threatened CW1's dog. It is clear that the RO's arrest of the complainant was lawful.

Allegation 3 - Public-Undermine Public Trust – Sec 10 CSPA Reg. 407/23

The RO's personal relationship with CW1 and CW2 was limited to speaking about topics related to CW2's business and not about personal matters. The RO denied that the relationship affected their judgment. The RO's actions were reviewed and there was no evidence to support that they acted differently than they would have had they not known CW1 or CW2. The RO had a duty under section 82 of the CSPA to assist victims of crime (no matter who they were) and lay charges where warranted. Section 6 of the Public Service of Ontario Act O. Reg. 381/07 regarding preferential treatment was reviewed and it was determined that the RO did not show preferential treatment.