

**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.

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## 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
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The Complainant alleges that the Respondent Officers neglected their duty pertaining to not enforcing the child custody agreement he has in place with his former partner.

## Unsubstantiated Code of Conduct Allegations

### Neglects to Do Duty s19

Neglects to Do Duty, a police officer shall not, by act or omission, fail to perform their duties appropriately without lawful excuse if, at the time, they know or reasonably ought to know that their act or omission would amount to a failure to perform their duties appropriately.

It is alleged that the Respondent Officers 1, 2 and 3 failed to act on the Complainant's court order granting visitation access to his children.

## Decision and Reasons

The Investigator established that Civilian Witness 2 has never withheld the children from visiting the Complainant, the children made the choice not to visit their father.

The Investigator has obtained a copy of the court order between the Complainant and Civilian Witness 2 and established that it does not contain a police enforcement clause.

The Investigator has further established that on September 11, 2024, the Respondent Officers spoke to all parties involved that day, including the children.

The Respondent Officers 1 & 2 remained neutral while trying to help facilitate the Complainant's court ordered access. They ensured the well-being of the children, established that they were not in any danger and that Civilian Witness 2 was not going to flee with them.

The Respondent Officers 1 & 2 learned that there was no police enforcement clause in court order.

The Respondent Officers 1 & 2 determined that Civilian Witness 2 was not withholding the children from the Complainant, the children could attend if they wished, but she would not force them to visit.

The Investigator has established by viewing BWC footage, that Respondent Officer 2 did not trivialize the situation in any way.

The Investigator also conclusively established that Respondent 3 did not instruct to school officials to disregard the court ordered custody agreement, in fact, directed them to remain neutral, while assisting in finding a solution to prevent any issues from occurring on the school property.

In all the incidents involving the Respondent Officers, they remained neutral, attempted to facilitate custody exchanges, encouraged others to remain neutral, thoroughly and accurately documented their involvement, and determined that there were never any grounds to believe the children were in any danger.

Based on a review and analysis of all information, the investigation has determined that there is insufficient evidence to establish that misconduct occurred in relation to this allegation. As a result, with respect to this allegation, the conclusion is unsubstantiated.