

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 Officers failed to conduct a thorough investigation prior to laying charges against him. Further, he alleged the Respondent Officers had no grounds to charge him with a subsequent Breach charge.

Unsubstantiated Code of Conduct Allegations

Respondent Officer #1
Duty-Neglect or Omit - Sec 19 CSPA Reg. 407/23

Respondent Officer #2
Duty-Neglect or Omit - Sec 19 CSPA Reg. 407/23
Public-Unlawful Arrest - Sec 7 CSPA Reg. 407/23

Respondent Officer #3
Duty-Neglect or Omit - Sec 19 CSPA Reg. 407/23

Decision and Reasons

R1 - CO stated "the officer" charged him with Criminal Harassment and had no grounds. PC R1 was not the primary investigator and had a very limited role. There was no information in the complaint that identified R1 as arresting or charging officer.

Upon reviewing the Community Safety and Policing Act- Code of Conduct, the referenced material, and comparing the evidence of the Complainant, Civilian Witnesses, and the Respondent Officers, there was no evidence to support R1 conducted an improper investigation/failed to follow procedures. The allegation of Improper Investigation is UNSUBSTANTIATED.

R2 - CO alleged that R2 conducted an improper investigation, lacked grounds to lay the Harassment charge, and relied on false witness statements. R2 stated he received consistent information from W1 and W2 indicating a repeated pattern of harassing behaviour that caused them to fear for their safety. R2 obtained statements and video evidence to establish reasonable grounds, and personally observed CO return to the scene which confirmed the conduct as alleged.

Upon reviewing the Community Safety and Policing Act- Code of Conduct, the referenced material, and comparing the evidence of the Complainant, Civilian Witnesses, and the Respondent Officers, there was insufficient evidence to support R2 conducted an improper investigation. The allegations are UNSUBSTANTIATED.

R3 - CO alleged R3 conducted an improper investigation when he charged him with Criminal Harassment and Breach. CO never met R3, there were no grounds, and all the charges were dropped. R3 notes and report stated CO followed W2 which was a violation of CO's release conditions put in place after the original incident with W1 and W2. The Crown later withdrew the charges due to no reasonable prospect of conviction, not a lack of reasonable grounds.

Upon reviewing the Community Safety and Policing Act- Code of Conduct, the referenced material, and comparing the evidence of the Complainant, Civilian Witnesses, and the Respondent Officers, there was insufficient evidence to support R3 conducted an improper investigation. The allegations are UNSUBSTANTIATED.