

**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: 03/14/2025

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 reported a dispute involving an off-duty [Redacted] Police Service officer concerning money owed from a prior incident in which the Complainant's vehicle was damaged. It is alleged that the Respondent Officer failed to follow proper procedures and instead supported the off-duty officer by employing threats and intimidation toward the Complainant.

## Unsubstantiated Code of Conduct Allegations

Integrity-Use Position - Sec 16 CSPA Reg. 407/23

Duty-Follow Procedures - Sec 27 CSPA Reg. 407/23

Duty-Neglect or Omit - Sec 19 CSPA Reg. 407/23

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



## Decision and Reasons

The investigation into the allegations involving Respondent Officer and the property occupier was assessed under relevant law and [Redacted] policy. Under Section 2(1) of Ontario's Trespass to Property Act, a person commits an offence if they enter or remain on private property without permission or refuse to leave when directed by the occupier. Section 35 of the Criminal Code provides a legal defence for property owners who use reasonable force to remove someone they believe is unlawfully on their property, provided the force is proportionate and necessary. In this case the property occupier, confirmed that he pushed the Complainant off his porch during the interaction. However, the reasonableness of the force used—grabbing and pushing—cannot be determined at this time, as the Complainant has refused to speak with police or participate in the investigation, at the time and subsequently. Without his account or cooperation, investigators are unable to fully assess the circumstances surrounding the use of force. They are left to believe that because of no evidence, to the contrary the use of force was reasonable.

Regarding the allegation that Respondent Officer used his position to intimidate or benefit another officer, Section 16 of O. Reg. 407/23 under the CSPA prohibits police officers from using their authority to benefit themselves or individuals with whom they have a personal relationship. In this case, [Redacted] had no prior relationship with the off-duty property occupier and did not engage in any conduct that would have benefited him. There is no evidence to suggest that the Respondent Officer used his position improperly or acted outside the scope of his duties. The allegation of misuse of authority is unsubstantiated.

Under Section 10 of O. Reg. 407/23 under the CSPA, misconduct is defined as conduct that undermines public trust in policing unless the officer can demonstrate that their actions were carried out in good faith. The Respondent Officer maintained professionalism throughout the interaction, communicated with the Complainant's mother, and did not respond to provocative emails. His actions were consistent with his duties and did not undermine public trust. The allegation of undermining public trust is unsubstantiated.

Section 19 of O. Reg. 407/23 under the CSPA addresses neglect of duty, which occurs when an officer fails to perform their responsibilities appropriately. The Respondent Officer responded to the call, explained the legal process to the Complainant's mother, and did not ignore the concerns raised. Additionally, the witness officer was assigned to follow up on the assault allegation and made several attempts to contact the Complainant. However, the Complainant did not speak with the Professional Standards Unit (PSU) investigator, nor did he return [Redacted] calls. He refused to participate in any way with police, including during the initial incident, and his mother also declined to correspond with officers. As a result, police were unable to obtain a formal statement or clarify key details. Law enforcement can only act on the information available to them, and in this case, the lack of cooperation significantly hindered the ability to investigate the claims. Without direct input from the Complainant or his mother, the allegations could not be substantiated through evidence or corroboration. Therefore, the allegation of neglect of duty is unsubstantiated.

Finally, under Section 27 of O. Reg. 407/23 under the CSPA, officers are required to follow procedures established by their Chief or required by law. While the Complainant disputed the quality of the report written by the Respondent Officer, there is no evidence that he failed to follow procedure. He documented the incident and provided contact information, and his actions were consistent with [Redacted] policy. He did not obtain a statement from the Complainant at the time, but the Complainant did not speak to the police, despite him calling the police for assistance. The allegation of failure to follow procedures is also unsubstantiated.